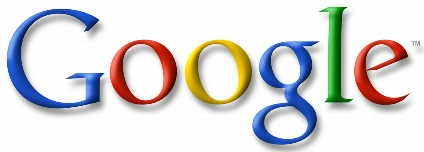
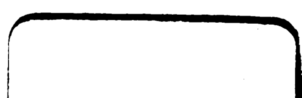






BGL
Poona [illegible] Distr

REPORT

ON THE

TERRITORIES,

CONQUERED

FROM

The Paishwa.

SUBMITTED TO THE SUPREME GOVERNMENT OF BRITISH INDIA,

BY

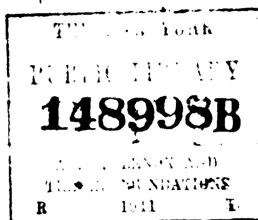
THE HON'BLE MOUNTSTUART ELPHINSTONE,

COMMISSIONER.

Calcutta:

PRINTED AT THE GOVERNMENT GAZETTE PRESS, BY A. G. BALFOUR, NO. 1, MISSION ROW.

1821.



REPORT

ON THE

Territories

CONQUERED FROM THE PAISHWA.

SUBMITTED TO THE SUPREME GOVERNMENT OF BRITISH INDIA.

BY THE HON'BLE MOUNTSTUART ELPHINSTONE, COMMISSIONER.

DESCRIPTION OF THE COUNTRY.

THE whole extent of the country under the Commissioner may be very roughly estimated at 50,000 square miles, and the population may be guessed at 4,000,000; but this does not include any of the detached territories beyond the Nizam's frontier.

The grand geographical feature of this tract is the chain of ghauts, which run along the western boundary for its whole length. Between this range and the sea lies the Concan, now under Bombay. It extends from 40 to 50 miles in breadth, includes many fertile places producing abundance of rice; but, in general, is very rough, and much crossed by steep and rocky hills. Towards the ghauts, the country is in most places extremely strong, divided by hills, intersected by ravines, and covered with thick forest. The range itself is from 2,000 to 4,000 feet high, extremely abrupt and inaccessible on the west. The passes are numerous, but steep, and very seldom passable for carriages. The table

ble land on the east is nearly as high as many parts of the ridge of the ghauts, but, in general, the hills rise above it to the height of from 1,000 to 1,500 feet. The table land is, for a considerable distance, rendered very strong by numerous spurs issuing from the range, among which are deep winding rugged valleys, often filled with thick jungle. Further east the branches from the ghauts become less frequent, and the country becomes more level, till the neighbourhood of the Nizam's frontier, where it is an open plain.

Coolies.

Beels.

The northern part of the chain of ghauts and the country at its base, especially to the west, is inhabited by Beels. The Coolies, who somewhat resemble the Beels, but are less predatory and more civilized, inhabit the part of the range to the south of Baughaud, and the country at its base on the west, as far south as Basseen. They are also numerous in Guzerat. The Beels possess the eastern part of the range, and all the branches that run out from it towards the east as far south as Poona; they even spread over the plains to the east, especially on the north of the Godavry, and are found as far off as the neighbourhood of the Wurda. On the north, they extend beyond the Tapty and Nerbudda, and are numerous in the jungles that divide Guzerat from Malwa, as well as in all the eastern parts of Guzerat. They are a wild and predatory tribe; and, though they live quietly in the open country, they resume their character, whenever they are settled in a part that is strong, either from hills or jungle. The Beels differ from the other inhabitants in language, manners and appearance; they are small and black, wear little clothes, and always carry bows and arrows. In appearance, they much resemble the Mountaineers of Baughulpoor. The Beels and Coolies, when in the hills or strong places, live under Naiks or Chiefs of their own, who have some influence over those in the neighbouring plains. These Chiefs have in general been little interfered with by the Marratta Government, more than was necessary to prevent

vent the depredations of their followers. South of Poona the Beels are succeeded by the Ramoosees, a more civilized and subdued tribe. They do not inhabit the main range of Ghauts, but the branches stretching out to the eastward. They have the same thievish habits as the Beels, but have no language of their own; are more mixed with the people, and in dress and manners are more like Marrattas. They are of more consequence than elsewhere in the hills joining the Ghauts southward of Sattara, where they lately acted so prominent a part in taking Forts and plundering the country, under the false CHITTOOR SING. They do not extend further south than Colapore, or further east than the line of Beejapoor.

Hill tribes like those mentioned have generally proved quiet when the Government was vigorous, and while they were managed through their Native Chiefs. We perhaps lose some hold on them by the destruction of so many of the hill forts which were situated in the midst of their mountains, and served to watch and curb their disposition to plunder.

Nemaur.

The Districts belonging to the PAISHWA in Nemaur, being under charge of Sir J. MALCOLM, I have no opportunity of inquiring regarding them. Their importance is small, yielding only 25,000 Rupees; and, if it is not found necessary for securing the peace of Nemaur that we should have some territory there, they might be well disposed of in exchanges.

Candeish.

Our most northern district would then be Candeish. This Province is bounded on the north by the Sautpoora or Injadree range of Mountains; and on the south by the range in which are the Fort of Chandore and the Ghaut of Adjuntah: on the south-west it is bounded by the range of Syadree, commonly called the Ghauts, at the termination

of

of which south of the Tapty is the hilly tract of Bauglauna. The plain of Candeish descends towards the Tapty from the hills on the north and south (especially from the south): on the east it is bounded by SCINDIAH's and the NIZAM's territories on the plain of Berar; and on the west the plain along the Tapty extends, without interruption, from the hills to the sea; but it is divided from the rich country about Surat by a thick and extensive jungle. Though interspersed with low ranges of unproductive hills, the bulk of the province is exceedingly fertile, and it is watered by innumerable streams, on many of which expensive embankments have formerly been erected for purposes of irrigation.—Some parts of the province are still in a high state of cultivation, and others, more recently abandoned, convey a high notion of their former richness and prosperity; but the greater part of Candeish is covered with thick jungle, full of tygers and other wild beasts, but scattered with the ruins of former villages. The districts north of the Tapty in particular, which were formerly very populous, and yielded a large revenue, are now almost an uninhabited forest. The decline of this province, from the flourishing condition which it had long since attained under its Mahomedan masters, is to be dated from the year 1802, when it was ravaged by HOLCAR's army.—This blow was followed by the famine in 1803, and its ruin was consummated by the misgovernment of the PAISHWA's officers.—The Beels, who had before lived mixed with the other inhabitants, and had, as village watchmen, been the great instruments of police throughout Candeish, withdrew to the surrounding mountains, whence they made incursions and carried off cattle and prisoners from the heart of the province. The Pindarries annually ravaged the open country: various insurgents plundered at the head of bodies of horse; and parties of Arabs established themselves in some of the numerous fortresses and ghuries, with which Candeish abounds, and laid all the neighbourhood under contribution.

The

The expulsion of the Arabs was a natural consequence of the war, and no parties of plundering horse were able to keep the field; but the settlement of the Beels was a work of more time and difficulty. Those in the Sauthpoora Mountains were the most formidable, as that range, though not perhaps above 1,500 feet high, is deep and strong, and so unhealthy that no stranger can long remain in it.—The plan adopted by Captain Briggs, and zealously executed by Lieutenant-Colonel Jardine, was to stop the supplies of the Beels, which are all drawn from the plain, to cut off any parties that attempted to issue to plunder, and to make vigorous attacks on the points in the hills to which the principal Beel Chiefs had retired. These measures soon reduced the Beels to accept the very favorable terms held out to them; which were to forbear their depredations, the Chiefs receiving pensions and allowances for a certain number of men, and binding themselves to restrain the excesses of their people.

The same plan was carried through, with less exertion, with the Beels of the Chandore range, and with the Beels and Coolies in Baugland.—The terms have occasionally been broken by some Chiefs, but on the whole they have succeeded beyond my most sanguine expectations, and have effectually delivered the province from this species of invasion. The only attacks of the Beels are now made in parties of 3 or 4, who rob passengers. These outrages have been resisted by the police, and are stated by Captain Briggs to be greatly on the decline. I have little doubt that a continuance of this vigilance, together with the liberal provision authorized by Government for the Beel watchmen, will soon completely extinguish the remains of these disorders.

The effectual protection of the people is the first and most important step towards restoring the prosperity of Candeish; but, from the havoc that has been made among the population, a long period must elapse be-

C fore

fore it can shew any great signs of improvement. A very light assessment, and the favorable terms on which waste land is granted to speculators, will, it is hoped, accelerate this crisis, and not only draw back the Natives of Candeish who have retired to Guzerat and other Countries, but even attract new settlers from places where the population is over-abundant.

Captain Briggs has applied himself with great zeal to the improvement of the district, and has adopted and suggested various plans for that purpose: among these a principal one is the repair of the embankments, and the fear of their falling into irretrievable ruin is a strong motive for commencing on this undertaking early; but at present the great want of Candeish is in population, and, where waste land is abundant, people are more likely to be attracted by the easy terms on which that is granted, than by the richness of lands irrigated by means of dams; ~~where, from the~~ necessity of repaying Government for the expences of erecting and maintaining them, the condition of the cultivator has generally been observed to be worse than on land which has not the advantage of these costly improvements.

Captain Briggs describes the people of Candeish as peaceable and inoffensive, but timid, helpless, unenterprizing, and sunk under the oppression and the multiplied calamities to which they have so long been exposed; but this of course only applies to the trading and agricultural classes: the soldiery (of whom part were till lately the predatory body called Barra Bye in Holkar's service, and the rest must have often joined insurgents and even Pindarries,) are, doubtless, bold and restless enough.

Marratta country, including the districts of Ahmudnuggur, Poona, and Sattara.

Candeish is low and hot. Gungterry, which joins it on the south, is from 1,500 to 2,000 feet above the level of the Tapty, and the rest of the

the conquered territory (except the Concan) is on the same table land. From this to the Kisna, or rather the Warna and Kisna, is comprehended in the districts of Ahmudnuggur and Poona, and the Raja of SATTARA'S territory. The western half of all this tract is hilly; the valleys rich and highly cultivated, and the country diversified and beautiful. Further east are plains, but not all in the same condition. The east of Gungterry, though open and fertile, is almost entirely uninhabited since the famine in 1803; the country between that and Ahmudnuggur is better, and the plains south of Ahmudnuggur are for many marches in all directions one sheet of the richest cultivation. I do not know the state of the south-east of that district towards Solapore, but I imagine it is equally prosperous. The country beyond the Neera is in a very different state, thinly peopled, and badly cultivated. It is in this tract that most of the horses in the Marratta country are bred, and that most of the Silladars or Military adventurers reside. The principal towns in the PAISHWA'S late dominions are between Candeish and the Kisna, but none of them are considerable. Poona may be reckoned to contain about 1,10,000 inhabitants, having lost from a 10th to a 5th since the removal of BAJEE Row with his Court and Army. Nassik does not contain more than a fourth of this number. Punderpoor is still smaller than Nassik, and the rest all much smaller than Punderpoor. Ahmudnuggur however must be excepted, which is reckoned to contain 20,000 souls, and is increasing rapidly.

This tract is the oldest possession of the Marratta Government, and is by far the most decidedly Marratta in the composition of the inhabitants. The character of that people is fully depicted in the answers to the queries which I sent to the Collectors, especially in Captain GRANT'S.

The Bramins, who have long conducted all the business of the Country, are correctly described by Mr. CHAPLIN as an "intriguing, lying, cor- "rupt,

"rupt, licentious, and unprincipled race of people!" to which Captain GRANT adds with equal truth, "that when in power they are coolly unfeel-"ing and systematically oppressive," and now "generally discontented, "and only restrained by fear from being treasonable and treacherous." They are superstitious, and narrow in their attachment to their cast, to a degree that has no example elsewhere; but they are mild, patient, intelligent on many subjects, even liberal and enlightened; and, though regardless of sufferings which they may indirectly produce, they are naturally very averse to cruelty and bloodshed: there are among them many instances of decent and respectable lives, and although they are generally supple and insincere, I have met with some on whom I could depend for sound and candid opinions.

The Marratta Chiefs, while in power, and especially while with armies, are generally coarse, ignorant, rapacious and oppressive.

Those settled in their own Country, and unconnected with courts and armies, bear a much better character; being sober, industrious and encouragers of agriculture. It must indeed be remembered, both of this class and the Bramins, that we see the very worst of the whole, and that it is among those at a distance from the seat of Government that we are to look for any virtue that may exist in the nation.

The soldiery so much resemble the chiefs, that individuals of the two classes might change places without any striking impropriety. The chiefs of course are more vicious, and probably more intelligent. The Marratta soldiery love war, as affording opportunities for rapine in an enemy's country, and marauding in a friend's. In battle they seem always to have been the same dastardly race; but they are active, hardy, vigilant, patient of fatigue and privations; and, though timid in action, they

they shew great boldness and enterprize in their incursions into distant countries; and on all occasions they appear to have the greatest confidence in their horses, though little or none in their swords. Their plan in a campaign is to avoid general engagements, to ravage their enemy's country, and to cut up convoys and detachments; in an action it is to disperse when attacked, and to return to the charge, when the enemy has broken, to plunder: by these means they are enabled to prevail against better troops than themselves.

The Marratta peasantry have some pride in the triumphs of their nation, and some ambition to partake in its military exploits; but, although circumstances might turn them into soldiers or robbers, at present their habits are decidedly peaceful. They are sober, frugal, industrious;—mild and inoffensive to every body,—and among themselves neither dishonest nor insincere. The faults of their Government have however created the corresponding vices in them; its oppression and extortion have taught them dissimulation, mendacity, and fraud, and the insecurity of property has rendered them so careless of the future, as to lavish on a marriage or other ceremony the savings of years of parsimony. The first class of these vices, though prevalent throughout the whole in their dealings with Government, is more conspicuous among the Patails, and others who are most brought into contact with their rulers; and the effects of the second are felt in the debts and embarrassments in which the whole of the agricultural population is plunged.

It may be observed, in conclusion, that the military Bramins combine part of the character of Marratta soldiers with that of their own cast, and that the character of the Marratta soldiery, in like manner, runs into that of the cultivators.—Taking the whole as a nation, they will be found to be inferior to their Mahomedan neighbours in knowledge and civilization, in spirit, in generosity, and perhaps in courage; but less tainted with pride, insolence, tyranny, effeminacy, and debauchery; less

D violent

violent, less bigotted, and (except while in armies on foreign service) more peaceable, mild and humane.

MARRATTA CARNATIC.—The Country south of the Kisna, or, as the Marrattas call it, the Carnatic, has few hills and few places incapable of cultivation. Except in the immediate neighbourhood of the Ghauts, it consists of extensive plains of black or cotton ground; a large portion of it is however uncultivated, especially of the parts which have been under the Government of GOKLA and APPA DESSYE. The high cultivation of the Putwurduns' lands has often been mentioned.—It is no doubt owing in a great measure to their good management, but in a great measure likewise to the oppression of their neighbours, which drove every man who could easily move into their lands. There are no large towns in this part of the country. Hoobly is, I believe, the largest, and I have heard it estimated at 15,000 souls. The towns of Belgaum and Shahpore, which, though nearly contiguous, belong one to Government, and one to CHINTAMAN Row, may amount together to 13,000 or 14,000 inhabitants. I have not heard of any other town in this district that contains more than 5,000 inhabitants.

Both this division and Beejapoor are inhabited by Canarese, who retain their own language and manners;—the Marrattas are reckoned by Mr. CHAPLIN to constitute no more than an 8th or a 10th of the inhabitants: what there is of them seems to consist of soldiers and Bramins, with a full share of the vice of those classes. The Canarese, Mr. CHAPLIN describes as resembling their countrymen in the Ceded Districts; but as being more honest, manly and courageous, though less mild, hospitable and humane: both are equally industrious and frugal.

The Carnatic was at no distant period overrun with independent Dessyes or Polligars, but these have all been gradually swallowed up by the Marrattas, and the Dessye of Kettoor is the only one who still retains

retains his possessions. The people have always been considered by the Marrattas to be turbulent and disaffected, which they shewed in several rebellions, and particularly in readily joining General MUNRO to expel their rulers.

They seem now to be perfectly quiet and well affected.

The general use of Shait Sunneedees, or landed Militia, which is so common in Mysore, is only found in this part of the conquered territory.

SKETCH OF THE MARRATTA HISTORY.

THE whole of the territory above described does not belong to the British Government, and what does belong to it is not all under our immediate administration. The other possessors of independent territory are the Raja of SATTARA, the Raja of COLAPORE; and, on a smaller scale, the NIZAM, SCINDIA, HOLKAR, the Raja of BERAR, and the GUICKWAR. The lands held by dependent chiefs belong to Angria, the Punt Suchem, the Prittee Nedhee, the Putwurduns, and other Jageerdars. To give an idea of the situation of all these Chiefs, and indeed of the general state of the Country, it is necessary to take a hasty view of the history of the Marrattas.

The Marratta language and nation extend from the Injadry or Sautpoora Mountains, nearly to the Kisna, and from the Sea on the west to a waving frontier on the east, which may be tolerably indicated by a line drawn from Goa to the Wurda near Chanda, and thence along that river to the Sautpoora Mountains. The whole of the territory was probably under a Marratta King, who resided at Deeoghuree, now Dowlatabad; but this empire was subverted in the beginning of the 4th Century by the Mahomedans, and remained under various dynasties of that religion until the end of the 17th Century, when the greater part was deli-

vered

vered by SEWAJEE and his successors. The eastern part still remains under the Moguls.

The grand-father of SEWAJEE was of very humble origin, but his father had attained a considerable rank under the kingdom of Beejapoor, had been entrusted with a Government, and, profiting by the weakness of the King's power, had rendered himself nearly independent in the southern part of the Beejapoor dominions. The same weakness encouraged SEWAJEE to rebel, and plunder the country; and he was enabled by the increasing confusions in the Deccan to found a sort of government, which the desultory operations of AURUNGZEBE, distracted by his numerous and simultaneous foreign wars, allowed him time to consolidate. His rebellion began about 1646; he declared himself independent in 1674, and at his death, about 1682, he was possessed of great part of the Concan; the rest being in the hands of the Moguls of Surat, and in those of the Portuguese, or held for the Beejapoor Government by the Siddies or Abyssinians of Gingera. He seems also to have possessed the greater part of the line of Ghauts, and to have shared with the Mahomedans the tract immediately to the east of those mountains, as far north as Poona, and as far south as Colapore.

1646.

1682.

Most of these possessions were wrested from his son, who was reduced to the hills and part of the Concan, when AURUNGZEBE was drawn off to the subversion of the monarchies of Golconda and Beejapoor. The convulsions occasioned by the extinction of those States completely unsettled the country, and threw a large portion of the armies, which had hitherto maintained tranquillity, into the scale of the Marrattas, to whom the Jemidars throughout the Deccan also appear to have been inclined. The consequence was, that, although on the execution of SUMBAJEE, the son of SEWAJEE in 1689, his son and heir SAHOOJEE fell into the hands of the Moguls, and his younger brother RAJA RAM, who succeeded him, was shut up in the Fort of Gingee, south of Arcot; so that for several years the Marrattas

1685-6.

1687.

1689.

Till 1701.

Marrattas had no efficient head, yet they were able under different leaders to withstand, and at length to deride the efforts of the Moguls, which were enfeebled by the factions of the Generals, and the declining age of the Emperor, till the year 1707, when the death of AURUNGZEBE, and the contests among his successors, set them free from all danger on the part of the Moguls. The Chiefs left in charge of the Deccan first faintly opposed, and then conciliated the Marrattas: a truce was concluded about 1710, by which they yielded the Choute; and this, on the confirmation of the agreement, together with a formal grant of their territorial possessions by the Emperor in 1719, may be considered as the final establishment of the Marratta Government, after a struggle of at least 60 years.

1707.

1719.

During the period between the death of AURUNGZEBE and the confirmation of the Choute, &c. a great revolution had taken place among the Marrattas. SAHOO RAJA, the Son of SUMBAJEE, was released in 1708, but on his return to the Deccan he found himself opposed by his Cousin SEWAJEE, Son of RAJA RAM. This prince had succeeded on the death of his father, in 1700, but being either very weak or entirely deranged in his intellects, his affairs were conducted by his Mother TARRAW BYE. SAHOO RAJA was enabled, chiefly by the good conduct of his Minister BALLAGEE WISWANAUT, to gain over CANAJEE ANGRIA, the chief support of his rival's cause, and to seat himself on the Marratta musnud. He immediately appointed BALLAJEE to the office of Paishwa, which had before belonged to the family of PINGLIA, but was forfeited by its possessor's adherence to the cause of TARRAW BYE. SAHOO RAJA being incapacitated by his mental imbecility from exercising the authority with which he was invested, the entire administration devolved on BALLAJEE WISWANAUT.

At the time of the confirmation of the Choute, although the Marrattas had numerous claims over several of the provinces possessed by the

1719.

Moguls, their actual territory does not appear to have extended beyond the narrow limits to which it had reached under SEWAJEE. The Moguls' grant, confirming their possessions, enumerates the districts, by which it appears that they extended in the Concan from the Goa territory to a point considerably to the south of Demaun; while above the Ghauts they only reached from the Gutpurba to the river Kookree, 40 miles north of Poona. The greatest length (on the Sea Coast) is 280 miles, the greatest breadth (from Hutnee and Punderpore to the Sea) 140; but this breadth is only found to the south of Poona; north of that city the breadth does not exceed 70 miles.

It was long before the Marrattas obtained possession of the country in the immediate neighbourhood of their first conquest: the Forts of Joonere and Ahmednuggur, the first within 40, and the other within 80 miles of Poona, were not reduced until within the last 60 years, long after the Marrattas had made themselves masters of Malwa and Guzerat, and had plundered up to the gates of Agra. Candeish was not subdued until within these 60 years, nor the Carnatic until a still later period. The cause of this inconsistency was the close connection between the Marrattas and Nizam Ool Moolk, who was glad to encourage them as the means of weakening the power of the Court of Delly; while they, with their usual policy, were pleased to disunite their enemies and attack them one by one; to this connection also it is to be ascribed that a third of the Marratta nation should have been left to this day under the dominion of the Moguls.

BALLAJEE WISWANAUT dying in 1720, was succeeded by his son BAJEE RAO BELALL. This Chief, who appears to have been a man of activity and abilities, took full advantage of the weakness, the distractions and the mutual jealousy and treachery of the Moguls. He over-ran all Malwa, and had entirely reduced it some time about the year 1735; while

1735.

the

the troops of the SENAPUTTEE, another great General of SAHOO RAJA, had made similar progress in Guzerat. The rivalry of these Generals renewed the domestic distractions of the Marrattas; but BAJEE Row finally overcame the SENAPUTTEE; as NANA SAHEB subsequently did his powerful servant, the GUICKWAR, in 1750, when he compelled the latter to submit implicitly to his authority, and to make over half of Guzerat to his officers. BAJEE RAO died in 1741, and was succeeded by his son BALLAJEE BAJEE Row, commonly called NANA SAHEB.

1741.

This Prince was the first of the PAISHWAS who openly exercised the sovereign authority on the Raja's behalf. His two predecessors had always affected to act under the orders of that Prince, but RAJA SAHOO dying in 1749, it was alledged by the PAISHWA that he had formerly invested him with the sovereignty of his dominions, on condition of his keeping up the name of the Raja's descendants. I may here remark that it appears more than doubtful, whether the Rajas of SATTARA ever pretended to possess absolute sovereignty, or to hold their territories otherwise than as vassals either of Beejapoor or of Delly. NANA SAHEB was an inactive Prince and entrusted his internal government to his cousin SEDDASHEW Row BHOW, and the command of his armies to his brother RAGONAUT Row, the father of the late PAISHWA. A temporary exchange of these functions occasioned the defeat and fall of the BHOW at Pannipût, and the death of BALLAJEE, who never recovered the shock.

1749.

1761.

The Government then fell into the hands of RAGONAUT Row, who detained MADHOO Row, the son of NANNA SAHEB, in a state of tutelage and dependence, but who was not long able to resist the talents and energy which that Prince early displayed. MADHOO Row then took the reins into his own hands, imprisoned RAGONAUT, and reigned for 11 years. Though at least equal to his predecessors as a General, MADHOO Row's chief praise arises from his Civil Government. He was the first who introduced order into the internal administration, and who shewed a

sincere

sincere desire to protect his subjects from military violence, and to establish something like a regular dispensation of justice.

His death, which happened in 1772, was soon followed by the murder of his brother NARRAIN ROW, the usurpation of RAGONAUT ROW, and a long struggle, in which the English were unsuccessful supporters of the claims of that usurper. During this disturbed period, and the thirteen years of comparative tranquillity which followed, NANA FURNAVEES acted as Regent in the name of the infant son of the murdered NARRAIN ROW. The territories in the Deccan were quiet, and were governed in a spirit of peace and moderation, which aided the former measures of MADHOO ROW in softening the predatory habits of the Marrattas; but at the same time the great chiefs of Hindostan began to appear rather as allies than as servants, and, although the connection of the Marrattas as a confederacy was probably at its greatest height at this period, yet the seeds of dissolution, which were inherent in the nature of it, began evidently to display themselves. A short view of the members of this confederacy will shew the loose ties by which the whole was held.

1772.

The state of Tanjore was scarcely ever even in alliance with Sattara; that founded by MORAR ROW GOREPURA in the north of Mysore was in nearly the same situation, and that of Colapore never joined it in any war. The confederates must therefore be the Raja of BERAR, the GUICKWAR, SCINDIA, HOLKAR, the POWARS, and the Chiefs of Jhansi and Sagur. The first of these powers was closely united in interest with Poona, and had no points of disagreement; yet it was frequently at war with the Poona state, and seemed to have been almost as much connected with the NIZAM, as with it. The GUICKWAR was oppressed and subdued, a vassal rather than a confederate. He joined the first power that appeared against the Marrattas in his part of India, and has adhered to his alliance to the last. The other Chiefs were subjects and servants of the PAISHWA, and were themselves born and bred in the

the heart of the Marratta country, as were the whole of their national troops, not one of whom to this day, perhaps, was born in their foreign conquests. Besides the ties of kindred, language and country, which in most nations keep up a connection for ages, the Marrattas had a strong interest in opposing their common enemies; yet there is perhaps no instance, in which they were all engaged on one side in a war, and it is surprising, that states, so circumstanced, should be unable to keep up a closer alliance for a period little exceeding the natural life of man. These facts do not, however, shew that there is not at this moment a confederacy cemented by common country, common interests, and common enmity to their conquerors, but that there is nothing particularly durable in the connection to prevent its dissolving at no distant period.

At the death of MADHOO ROW NARRAIN in 1796, the whole of the great Marratta Chiefs, the RAJA of BERAR, SCINDIA, HOLKAR, and the Jageerdars of the Deccan, appeared at Poona, for the last time, as vassals of the empire. The power and weight of the Minister was insufficient to control this tumultuous assembly, and a scene of factions, violence and intrigue ensued, at the conclusion of which BAJEE ROW, the rightful heir, but the representative of the unpopular and proscribed house of ROGONAUT ROW, was elevated to the Musnud by the military power of SCINDIA. He however was for some time little more than a pageant in the hands of that Prince, and it seemed probable that SCINDIA would soon imitate the example of the PAISHWA's ancestors, and reduce his nominal Master to the condition of the RAJA of SATTARA. It was perhaps the dread of the interference of the British which prevented this change of dynasty, and at the end of a few years the increasing disorders in SCINDIA's own possessions obliged him to quit his hold on the PAISHWA, and to withdraw to Hindostan. BAJEE ROW, now left alone, had neither ability nor inclination to put himself at the head of his tur-

1796.

1801.

bulent

bulent chiefs and mutinous army. He remained quiet in Poona, while every Jageerdar assumed independence, and the country was overrun by banditti, formed from the Soldiery that were no longer employed in the armies to within a few miles of the capital. At length his Highness was expelled by HOLKAR. He returned supported by a British force, and from that time begun a new order of things, which existed at the time of our conquest.

Instead of the extensive, but loose, confederacy, of which the PAISHWA was head, which was in a constant state of foreign war and internal disorder, and which could only be held together by constant vigilance and activity, as well as concession and management, the PAISHWA was now to possess in peace a small compact territory, and as this had formerly partaken of the loose government of the general mass, it became the PAISHWA's object to consolidate his power, and establish it on such a footing as would allow of his governing with as much ease as other Eastern Princes.

Some progress had been made towards this state of things during the Government of MADHOO Row and NANA FURNAVEES; and BAJEE Row himself from temper, as much as from policy, had already adopted the course most suited to his situation. The head of an unpopular party, and educated in a prison, he had little sympathy with the bulk of his nation, and little desire for any enterprize in which he might require their assistance. His only wish was to gratify his love of power and of revenge, without endangering his safety or disturbing his ease. He had therefore begun his administration by plundering all the Ministers connected with his enemy. NANA FURNAVEES had seized on the Jageers of his principal opponents.—When the Treaty of Basseen relieved him from all apprehension of resistance, he gave a loose to his desire for depressing the great, and degrading his enemies.

1803

Almost

Almost all those who had been connected with the government of his predecessors were discarded: the great Sirdars, who held lands, were either dispossessed or kept at a distance, and obliged to yield implicit obedience to his will: no attempt was made to restore the old army; the chiefs who had commanded it were left in want; the court was almost entirely composed of new men, and the few troops that were retained were commanded by upstarts and paid from the treasury.

A severe famine that followed BAJEE Row's restoration, prevented the natural effect of his reduction of the Military force: many men perished, and more horses, and the vacancies occasioned by the deaths of the owners of land afforded a provision for many who had till then maintained themselves by the profession of arms. Many more went to the Camp of SCINDIA, who was then exchanging his Musulman retainers for Marrattas: others found employment with HOLKAR and the Raja of BERAR, and many probably joined the hordes of Pindarries, which begun about this time to be conspicuous.

The discontents of the chiefs were kept under by the presence of a British force, and great progress had thus been made in reducing the Country to the state desired by BAJEE ROW, when other events occurred to induce him to change his system. The progress that has been made has however been favourable to us. The number of Jageerdars, though still very great, has been lessened; the pride of the nation has been humbled, and its Military strength reduced. The war and previous years of intrigue and opposition, however, unsettled men's mind; the reduction of the armies of SCINDIA, the BOSLA and the Pindarries have increased the numbers of the Soldiery: the destruction of the smaller Jageerdars in Hindoostan has thrown them and their retainers back on their old country, and our having raised our irregular horse and formed our civil establishments before BAJEE Row's adherents were sufficiently depressed to

come

come over to us, has left most of them out of employ; so that there are now two Irregular Armies; the Marratta one, and our own; and three civil establishments; NANA FURNAVEES's, BAJEE ROW's, and ours; within this one territory.

REVENUE.

THE principle I adopted for the Civil Administration, being to preserve unimpaired the practice which I found established, this part of my report ought to consist entirely of an account of the Marratta system; and although more changes have been introduced than were intended, that will in fact occupy a very considerable portion of the statement which is to follow.

My information is derived in a great measure from the Jummabundy reports of the local officers on revenue subjects, and on Judicial ones, from the answers of the same gentlemen to a series of queries, which I circulated about the end of last year. These answers are forwarded, and I beg to recommend them to attention. That of Mr. CHAPLIN is of particular value. Captain GRANT's contains much information, both on the points immediately in question, and on the general character of the people; and those of Mr. THACKERAY, Sub-Collector of Ranee Bednore, have likewise considerable merit. Besides this view of the former practice, I shall point out the changes that have occurred, and as local opinions are always of use I shall add such suggestions as occur to me on the course to be pursued hereafter, though the want of general knowledge, as well as of experience in the departments to which they refer, may often make them crude or erroneous.

Village Government.

In whatever point of view we examine the Native government in the Deccan, the first and most important feature is the division into villages

or

or townships. These communities contain in miniature all the materials of a state within themselves, and are almost sufficient to protect their members, if all other governments were withdrawn. Though probably not compatible with a very good form of government, they are an excellent remedy for the imperfections of a bad one; they prevent the bad effects of its negligence and weakness, and even present some barrier against its tyranny and rapacity.

Each village has a portion of ground attached to it, which is committed to the management of the inhabitants. The boundaries are carefully marked and jealously guarded. They are divided into fields, the limits of which are as exactly known; each field has a name, and is kept distinct even when the cultivation of it has long been abandoned. The villagers are almost entirely cultivators of the ground, with the addition of the few traders and artisans that are required to supply their wants. The head of each village is the Patail, who has under him an assistant, called a Chaugula, and a clerk called a Coolkurnee. There are besides 12 village officers, well known by the name of the Barra Bullootee. These are the astrologer, the priest, the carpenter, barber, &c. but the only ones who are concerned in the administration of the government are the Sonar, or Potedar, who is silver-smith and assayer of money, and the Mhar, who, in addition to various other important duties, acts as watchman to the village. Each of these classes consists of one or more individuals, according as their original families have branched out. The Mhars are seldom fewer than four or five, and there are besides, where those tribes are numerous, very frequently several Beels or Ramoossees, employed also as watchmen, but performing none of the other duties of the Mhar.

For a full account of the constitution of a village, see Captain Robertson's Letter of March 9, 1819.

Patail.

The Patails are the most important functionaries in the villages, and perhaps the most important class in the country. They hold their of-

fice by a grant from the government, (generally from that of the Moguls) are entitled in virtue of it to lands and fees, and have various little privileges and distinctions, of which they are as tenacious as of their land. Their office and emoluments are hereditary, and saleable with the consent of the Government, but are seldom sold except in cases of extreme necessity, though a partner is sometimes admitted with a careful reservation of the superiority of the old possessor. The Patail is head of the Police, and of the administration of justice in his village, but he need only be mentioned here as an officer of revenue. In that capacity he performs on a small scale what a Mamlutdar or a collector does on a large: he allots the lands to such cultivators as have no landed property of their own, and fixes the rent which each has to pay: he collects the revenue for Government from all the ryots, conducts all its arrangements with them; and exerts himself to promote the cultivation and the prosperity of the village. Though originally the agent of the Government, he is now regarded as equally the representative of the ryots, and is not less useful in executing the orders of the Government, than in asserting the rights, or at least in making known the wrongs, of the people.

The functions and privileges of a Patail are well shewn in the enlosed translation of a deed of sale, transferring a share of the office, which was forwarded by Captain ROBERTSON, in his letter of March 9, 1818, No. 6.

Coolcurnee. Vide Capt. GRANT'S Report, August 17.

The Coolcurnee keeps the numerous records and accounts of the village. The most important are, 1st, the general measurement and description of all the village lands: 2d, the list of fields, with the name, size, and quality of each, the terms by which it is held, the name of the tenant, the rent for which he has agreed, and the highest rent ever produced by the field: 3d, the list of all the inhabitants, whether cultivators or otherwise, with a statement of the dues from each to Government, and the receipt and balance in the account of each: 4th, the general statement of the instalments of revenue which have been realized:

ed: and, 5th, the detailed account where each branch of revenue is shewn under a separate head, with the receipts and balance on each. Besides the public records he generally keeps the accounts of all the cultivators with each other, and with their creditors,—acts as a notary public in drawing up all their agreements, and even conducts any private correspondence they may have to carry on. He has lands, but oftener fees allotted to him by Government, from which he holds his appointment.

Chaugulla.

The Chaugulla acts under the orders of the Patail, and assists him in his duties; he also has the care of the Coolcurnee's records.

Watchman.

The most important revenue duty of the Mhar is to watch over the boundaries, both of the village lands and of each individual's field, to see that they are not encroached on; to give evidence in cases where they are disputed; he watches over crops, whether cut or growing, as long as they are in the fields. He is also the public messenger, and guide; and will be mentioned again as a most important actor in the Police.

Potedar.

The Potedar, besides being the village silver-smith, assays all money paid, either to Government or to individuals.

With the few exceptions already mentioned, all the villagers are cultivators, and these, as there are few labourers, are distinguished by their tenures into two classes, that of Meerassees or landed proprietors, and that of Ooprees, or farmers.

Meerassees, or landed proprietors, No. 7. A. Captain ROBERTSON, dated March 9, 1818. B. Captain BRIGGS, dated Decr.

As I was particularly directed to attend to the tenures of land, I have called on the Collectors to furnish the requisite information; only two answers

22d, 1818. C. Captain POTTINGER, dated Jan. 15, 1819. D. Captain BRIGGS, dated June 22, 1819, and Captain GRANT, dated August 1817, 1819. E.

answers have been received: but the enclosed Extracts, No. 7, from letters written on other subjects, sufficiently elucidate this question. They are perhaps the more to be depended on, because all of them, except Captain GRANT's and Captain BRIGG's 2d letter, were written before any question had been put that could influence the writers; and that they are not produced by any speculations, but forced on the Collectors, by the course of their ordinary business. The deeds of sale enclosed in Captain ROBERTSON's letter of March 9th, throw a clear light on the manner in which the Meerassee tenure was regarded by the people and by the Government. The result of those reports and of my own enquiries is, that a large portion of the ryots are the proprietors of their estates, subject to the payment of a fixed land-tax to Government; that their property is hereditary and saleable, and they are never dispossessed, while they pay their tax, and even then they have for a long period, (at least 30 years) the right of reclaiming their estate, on paying the dues of Government. Their land tax is fixed, but the late Marratta Government loaded it with other impositions, which reduced that advantage to a mere name; so far however was this from destroying the value of their estates, that, although the Government took advantage of their attachment to make them pay considerably more than an Ooprec, and though all the Meerassdars were in ordinary cases obliged to make up for failures in the payment of each of their body, yet their lands were saleable, and generally at 10 years' purchase. This fact might lead us to suppose, that even with all the exactions of the late Marratta Government, the share of the ryot must have amounted to more than half the produce of the land; but experience shews that men will keep their estates, even after becoming a losing concern, until they are obliged to part with them from absolute want, or until oppression has lasted so long, that the advantages of proprietorship, in better times, have been forgotten. The Meerassdars are perhaps more

I also enclose report on the same subject drawn up by Captain MACLEOD, from the most intelligent informants he could procure in the Dufture or in Poona. No. 8.

numerous

numerous than the Ooprees all over the Marratta country. In the Carnatic, I am informed by Mr. CHAPLIN, that they do not exist at all. Besides Meerassdar, they are called Thulkuree about Poona.

An opinion prevails throughout the Marratta country, that under the old Hindoo government all the land was held by Meerassees, and that the Ooprees were introduced as the old proprietors sunk under the tyranny of the Mahomedans. This opinion is supported by the fact, that the greater part of the fields, now cultivated by Ooprees, are recorded in the village books as belonging to absent proprietors; and affords, when combined with circumstances observed in other parts of the Peninsula, and with the light land-tax authorized by Menu, a strong presumption, that the Revenue system under the Hindoos (if they had an uniform system) was founded on private property in the soil.

All the land which does not belong to the Meerassees belongs to Government, or those to whom Government has assigned it. The property of the zemindars in the soil has not been introduced, or even heard of, in the Marratta country.

Ooprees or Farmers

The cultivated land belonging to Government, except some parts which it keeps in its own hands to be managed by the Mumlutdars, was always let out to Ooprees, who had a lease, with the expiration of which their claim and duties expired.

These are all the tenures on which land was held, as far as regards the property of the soil. The assignments by Government of its own revenue or share of the produce will be mentioned hereafter. It need only be observed, that in making these grants it could not transfer the share of a Meerassdar. Even BAJEE Row, when he had occasion for Meerassee land, paid the price of it.

H Such

Such are the component parts of a village: its transactions with Government will be explained hereafter; but there are some of its internal affairs still to be mentioned. The maintenance of the Village Temple, its fixed and authorized pensions and annual charities, its ceremonies and religious festivals, its alms to beggars and entertainments to guests, especially to Bramins and Fakeers, its occasional amusements, tumblers, dancers, &c. its nuzzurs to superiors, its offerings to the Patail and other village officers on occasions of condolence or congratulation, the expences of the Patail on the public affairs, and the fees of peons stationed in the village, entail a number of expences on the community, which, unless allowed for from the Government revenue (which is very rare) are defrayed by a tax on the village. This tax falls on the cultivators, especially on the Meerassdar, and is a great source of profit to the Patails and Coolcurnees. In general these expences were in the proportion of 1-10th, or from that to 1-5th, to the public revenue. The three first charges were called salabad, or permanent, and were provided for by permanent assessments; and the rest saudir warrid, or contingent, which were paid by extra assessments called saudir warrid puttee; these last were always liable to a scrutiny by the Mamlutdars, who probably perceived that all expensive charges against the ryots would in time fall on the Government. In addition to these were occasional expences, such as repairs of the village walls, the necessity of entertaining sebundies for defence; or of paying an enemy or an insurgent for forbearance, which it was beyond the means of a village to defray at once. In this case the Village contracted a public debt, which was gradually paid by an annual assessment included in the saudir warrid puttee, and some times provided for by mortgages or grants of land on the part of the villagers. These grants were called gaum nishut enaums; if they were so small as to be admitted, or be likely to be admitted by the Government, no rent was charged on them; but if they were too large to be agreed to or to escape observation, the revenue was paid by all the other ryots,

Village Expences.

Village Debts.

Village Grants of Land.

ryots, the creditor still enjoying them rent free: small grants were also made for temples, or to Bramins, which were always acquiesced in by the Government; but the Villagers have never pretended to any property in the soil beyond the estates of the Meerassdars.

Daishmook, Daispandees and other Zemindars, or District Officers.

The next division is a Turruf, composed of an indefinite number of villages, with perhaps an addition of uninhabited mountain and forest land (there being no other land not included in some village.) A Turruf is under no particular officers; several of them make a Purgunna, which is under a Daishmook or Zemindar, who performs the same functions towards the Pergunna as a Patail towards the village. He is assisted by a Daispandee, who answers to the Coolcurnee, and a Daischaugulla. The Daismook and Daischaugulla, like the Patail and Chaugulla, are Marrattas. The Daispandee and Coolcurnee are Bramins: above these officers there appear to have formerly been Sirdaishmooks and Sirdaispandees; but this order of things is not remembered; though there is still one family of the ancient Sir Daishmooks extant, beside the Raja of SATTARA, who extorted the office of Sir Daishmook from the Mogul, as a pretext for some exaction from the country. The only Sirdaispandees I have heard of are in the Concan. There is also an Officer called Sircanoongoe in Candeish, whose office probably corresponds with that of Sirdaispandee. There are other Officers still in existence in some places, such as the Sirpatail, the Nargoond, &c. whose present functions are too unimportant to promise any advantage from an investigation of their ancient condition. It is universally believed in the Marratta Country, that the Daishmooks, Daispandees, &c. were all Officers appointed by some former Government, and it seems probable that they were the Revenue Officers of the Hindoo Government; that these Officers, being hereditary like most others under the Hindoos, they were in possession of too much knowledge and influence to be dispossessed by the Mahomedans; who, though they

they appointed District Officers, availed themselves of the experience of the Zemindars, and allowed them to settle with the Patails, explaining their proceedings to the more immediate Officer of Government. They even often farmed out the whole Pergunna to the Daishmooks, who by this means acquired so much authority in some parts of the country, as to be able, on the decline of the Mahomedan Kingdoms in the Deccan, to maintain themselves, for a time, in independence. The Marratta, or rather the Bramin Government, was led by this conduct, and by their embezzlements of the Public Revenue almost to set aside the employment of the Zemindars, transacting all business directly with the Patails, by means of its own Officers. This change, though probably produced by the policy and avarice of the Bramins, is considered to have been attended with beneficial effects, as delivering the people from the oppressions and exactions of the Zemindars.

Long after the Zemindars ceased to be the principal Agents, they were still made use of as a check on the Mamlutdar, and no accounts were passed, unless corroborated by corresponding accounts from them; but even this practice has been disused since the farming system, except in the distant provinces of Guzerat and the Carnatic.

These Officers still hold the lands and fees that were originally assigned them as wages, and are still considered as servants of the Government; but the only duty they perform is to produce their old Records, when required; to settle disputes about land, by a reference to those Records, and to keep a Register of all new grants and transfers of property, either by the Government or by individuals. This Register must however be very incomplete, as no man is obliged to record his deed unless he chuses. The Daishmook's profits are very great; generally, I am told, about five per cent. not only on the Revenue, but on the land; five acres in each hundred, for example, will belong

long to the Daishmook, and a twentieth of the collections besides: he has also various claims in kind, as a pair of shoes every year from each shoe-maker; a portion of ghee from those who make that preparation, &c. &c.

The Daishmook of Futton has even 25 per cent. but having been for centuries Jageerdar of his own Pergunna, he has probably transferred a great deal from the Government account to his own. The allowances of the Daispaindee are about half those of the Daishmook. The allowances of the Patail and Coolcurnee are exactly of the same nature, but much smaller. All these fees are levied by the owners, distinct from the Government Revenue. Daishmooks and Daishpandees, as well as Patails and Coolcurnees, sell their own land and fees (or wuttun, as both are called); but neither pretends to any property in the rest of the lands. It seems to be thought that they cannot even sell their Offices, (though Patails and Coolcurnees can) and it is even doubtful if they can sell their fees, though they may pawn them. Their land they can certainly sell.

A number of Pergunnahs formerly composed a Sircar, but this division is now completely disused, and that into Pergunnahs and Turrufs, though still kept up in Records, is not always the real Revenue Division. To explain this completely would lead me into the complicated system of the Marrattas, which is the less necessary, as that system is now as far as possible laid aside. An idea of the Divisions to which it leads, and which vary in different places, may be derived from the following account of one of the simplest cases.

Marratta System of Revenue.

The first pretension of SEWAJEE was to levy from the Ryots, as Sirdaishmook, 10 Rupees for every hundred levied by the Government.

Sirdaishmookee.

This

This was afterwards followed by a demand of a fourth of the Government collections, which at length was yielded by the Moguls. The fourth thus acquired, is called by the Marrattas the Choute; it was immediately divided by the Prince with his Ministers and Sirdars. A fourth of it was at first reserved for the Raja, and collected by the Prittee Nidhee, the Paishwa, and the Punt Suchem, under the name of Baubtee.—6 per cent. on the whole Choute, before the deduction of the Baubtee, was given under name of Sahotra to the Punt Suchem. The remainder of the Choute, under the name of Mokassa, was partitioned among the Sirdars, on condition of maintaining troops, of bearing certain expences, and of paying a certain portion of money to the treasury. The Sirdaishmookee shared the same fate, and from these funds some enams were also granted, and some charities defrayed.

Choute. Baubtee. Sahotra. Mokassa.

Subsequently to the acquisition of the Choute, the remaining three fourths of the Country, (which is called Jageer in contradistinction to the Choute) fell also into the hands of the Marrattas. The Division then stood as follows.

Supposing the Government share, ...	400	
Sirdaishmookee, ...		40
Government Revenue, ...		400
Viz. Choute or fourth, ... 100		
Jageer, ... 300		
Total with Sirdaishmookee, ...		440

SUBDIVISIONS OF CHOUTE.

Baubtee, ...	25
Mokassa, ...	75
Total Choute, ...	100

SUBDIVISIONS

SUBDIVISIONS OF MOKASSA.

Sahotra, 6 per cent. on the whole Choute	6
Ein Mokassa	69
Total Mokassa ...	75

This gives but an imperfect idea of the numerous subdivisions which have been made in most parts of the Country. Some were assigned to Jageerdars, and their separation from the bulk of the Revenue was thus necessarily perpetuated; but even where they all fell into the hands of the Government, it still kept them up in name, and some times even in practice. Thus one man would some times collect the Sirdaishmookee, another the Jageer dues, a third the Mokassa, a fourth the Baubtee, and fifth the Sahotra, on the same Village. In this case the holder of the Jageer would settle the sum to be paid by the village, the Mokassadar would send and collect his share from the ryots, but the other claimants would allow the holder of the Jageer to collect the rest, and pay to each his share, the amount of which each would ascertain from the village accounts. But when there was a defalcation, each endeavoured to collect his own and throw the loss on his neighbour, and a general struggle ensued, in which the ryots were sure to suffer from the violence of the combatants. In addition to this distribution of the Revenue, various causes broke up the Pergunnas, and made the Marratta Revenue Divisions exceedingly scattered and intermixed.

Marratta Officers of Revenue.

Their gradations of authority departed as far from the uniformity of the Mahomedans, as their divisions of the Territory. In general each Revenue division was under an Officer, who in a large district was called Mamlutdar, and in a small one Camaveesdar; under these were Turrufdars or Carkoons, who had charge of a considerable number of villages, and under them Shaikdars, who had four or five. The nomination of the

Mamlutdars

Mamlutdars rested with Government, that of the inferior agents with the Mamlutdar. There were however in every division permanent Officers called Durruckdars, appointed by Government, and generally hereditary, whose signature was necessary to all papers, and who were bound to give information of all malpractices of the Mamlutdars. These Officers were the Dewan, who was the Deputy to the Mamlutdar, the Furnavees, or keeper of Registers, the Potenavees, or Cash Accountant, &c.

In some provinces, especially in remote ones, such as Candeish, Guzerat and the Carnatic, there was an Officer between the Mamlutdars and the Government, who was called Sir Soobehdar; his powers and duties varied. In the Carnatic he was answerable for the Revenue and appointed his own Mamlutdars; but in Candeish he had only a general superintendence, every Mamlutdar giving in his own accounts and making his payments direct to Government. The allowances of these Officers were not very clearly fixed; before the introduction of the farming system, a considerable Mamlutdar had 5000, or 6000 Rupees a year, generally about one per cent. on the Revenue, besides an undefined allowance for his expences. He also made large unauthorized profits, often with the connivance of Government. He was reckoned reasonable, if his whole profits did not exceed 5 per cent. on the net revenue.

Marratta manner of collecting the Revenue.

Every Mamlutdar, on his appointment, or at the commencement of the year, received from Government an estimate of the revenue of his district, with a list of all the authorised charges, including sebundees, pensions, religious expences, salaries, &c. &c. It was his duty to send in the balance to Government, and a proportion of it, generally half, was paid immediately, the rest was paid by instalments, but always in advance. The Mamlutdar then proceeded to his district, and moved about to superintend his offices, and to redress grievances; he kept a Vakeel at Poona to

Note—Captain McLeod's paper, and in Captain Grant's letter of August 17th.

to receive all orders and answer all complaints. Complaints are said to have been readily heard, but as all was done by the Prince or his Prime Minister, that must have depended on their leisure and patience. At the end of the year, the Mamlutdar presented his accounts of the collections, confirmed by the accounts signed by the Zemindars, and the receipts and expenditure in his own office, drawn up by the Furnavees, and signed by the other Durruckdars. These were carefully revised, and, as from the mode of payment in advance there was generally a balance in favor of the Mamlutdar, all unauthorized charges were struck out of it, and often reductions were made on account of supposed embezzlements, without much proof or investigation. The admitted balance was carried on in account from year to year, was some times compromised by partial payments, by grants of annuities, &c. but was seldom fully paid. On the other hand, all balances due to the Government were exacted; though the Mamlutdar was not bound to pay the sum inserted in his estimate, if the receipts fell short of it. If the defalcation was owing to corruption on his part, he was obliged to refund, and if to his negligence, he was removed from his office. Though, in this adjustment of accounts, all advantages appear to be on the side of the Government, yet the Mamlutdars do not appear to have complained, or to have suffered much in reality. They had probably many ways of making money, which eluded the utmost researches of the Government, especially as they could generally find means to engage the Zemindars and Durruckdars on their side. The sources of their profit were concealment of receipts (especially fees, fines, and other undefined collections,) false charges for remissions, false musters, non-payment of pensions, and other frauds in expenditure.

The grand source of their profit was an extra assessment above the revenue, which was called Sauder Warrid Puttee. It was levied to pay expences of the district not provided for by Government, and naturally afforded a great field for speculation; one of the chief of these expences

was called Durbar khurch or untust. This was originally applied secretly to bribe the Ministers and auditors. By degrees, their bribes became established fees, and the account was audited like the rest; but as bribes were still required, another increase of collection took place for this purpose; and as the auditors and accountants did not search minutely into these delicate transactions, the Mamlutdar generally collected much more for himself, than he did for his patrons. It was said that it was chiefly the Government that suffered by these frauds, and that the imposts did not fall heavy on the Ryots. If this were so, it was probably owing to the interest the Mamlutdars had in the prosperity of their districts, from the long periods for which they were allowed to hold them. Many men held the same district for as long as 50 years.

Land Revenue.

The following was the manner in which the Mamlutdar raised the Revenue from his District.—At the beginning of the rains, he sent for the Patail, gave him a general assurance that he should take no more than was usual, the Patail giving a written engagement, specifying the quantity of cultivated land, the quantity of waste, and that granted at a just rent to new settlers, and promising to realize the Revenue. He then went to his village, encouraged the Ryots to cultivate, procured them loans or forbearance from former creditors, promised to get them Takauvee (or advances from the Mamlutdar,) and prevailed on them to undertake the ploughing of new lands. Takauvee was given by the Mamlutdar, not by the Government; it was payable in 2 or 3 years, with interest, and security was given by the Patail or several of the Ryots.

About the end of our year, when the principal harvest was nearly ready to be cut, the Mamlutdar moved out into his district, and was attended by the Patails of villages, with their Coolcurnees, who laid before him the papers already enumerated. The whole Country has been surveyed, and each field classed and assessed according to its circum-

stances

stances and quality. The Northern Districts were surveyed by Mullick Umber, and the Southern by the Adil Shauhee Kings, besides partial and imperfect attempts at Surveys by the Marrattas. The assessment fixed by those Monarchs is called the Tankha. The whole amount thus assessed was never actually realized in some Villages, while in others a greater revenue may have been collected. This gave rise to another rate, being the highest ever paid, which is called the Kamil or Hemaul, and which is considered more applicable to practical purposes than the Tunkha: that of the last year or of any recent year is called the Wussool, or Akar. All these rates are contained in the Coolcurnee's papers, with the other particulars mentioned before, which ought to give a full view of the state of the inhabitants and cultivation. The Mamlutdar was enabled, by the intimate knowledge of the Village possessed by his Shaickdars, to judge of the accuracy of these statements, and he proceeded to settle the Revenue of the ensuing season, on a consideration of the amount paid in former years, combined with a regard to the actual state of things. The Patail represented any ground there was for relaxation in the terms in which he expected the support of the Daishmook and Daispandee; all hereditary officers being considered as connected with the Ryots. The Patail was likewise accompanied by some of the principal Ryots, especially of the Meerassdars, who were witnesses to his proceedings, and who also assisted him with their opinions.—These discussions generally ended in a second more particular agreement, on which the Patail interchanged with the Mamlutdar an engagement fixing the Revenue: that of the Mamlutdar was called the Jummabundee Puttee, and that of the Patail Kabool Keetba. The Patails had generally settled with the Ryots the share which each was to bear before he came to make the settlements, and if any thing unexpected was proposed, so as to derange the distribution agreed on, he returned to his Village to consult the Ryots anew. When the Patail continued obstinately to reject the terms offered by the Mamlutdar, a special officer was sent to the spot to examine the fields, and if no other means succeeded in effecting an adjustment, the Mamlutdars

Mamlutdars would offer to recur to what seems to have been the original principle in all settlements, namely, for Government to take half, and leave half to the cultivator. This plan was termed Bhuttye. It is generally adopted in the Concan, but seldom resorted to above the Ghauts. Until the final settlement was made, the crops in many parts of the country were kept in charge of Havildars on behalf of Government, who allowed them to be carried off as soon as the settlement was completed. In the country immediately round Poona however, and in that now under Sattara, this custom was not observed.

When the time for paying arrived, a Sebundy was sent by the Shaikdar to assist the Patail.—The Mhar summoned the Ryots, who paid their rent to the Patail, in the presence of the Potedar, who assayed and stamped the money, and of the Coolcurnee, who granted a receipt. When all was collected, the Patail sent it by the Mhar, with a letter to the Daismook, and another to the Kamavisdar, under charge of the Chaugulla, and received a receipt from the Mamlutdar. If a Ryot refused or was unable to pay his revenue, the Sebundy pressed him for it, confined him in the Village Choky, exposed him to the sun, put a heavy stone on his head, and prevented his eating and drinking until he paid. If this did not succeed, he was carried to the Mamlutdar, his cattle were sold, and himself thrown into prison, or into irons. This rigorous treatment was seldom necessary for the regular revenue, it was more employed in exacting extraordinary taxes; and under the farming system, the practice of it was frequent and severe. If a whole Village resisted, these severities fell on the Patail, but previous to that extremity, a horseman was billeted on the village, or a fine levied, to induce it to submit. The payments were by three instalments, corresponding with the seasons of the Rubbee, Toossar and Khureef crops; there was frequently another at the end of the year, to recover all outstanding balances.

The

The above relates to the regular rent or tax on the land, for it may be considered as rent, with regard to the Ooprees, and as a tax, with regard to the Meerassdars; (it is called by the Natives, Ayen Jumma, or proper collections.) Another regular source of Revenue levied partly on the Ryots, and partly on the other inhabitants, is that termed by the Marrattas Suvaee Jumma, (or extra collections;) these taxes vary extremely in different districts, and even in different villages. The following list, though not complete, gives an idea of their nature. The first fall chiefly or entirely on the cultivators: Dukub Puttee, a tax of one year's revenue in ten on the lands of the Daishmook and Daishpandee: Huk Choutaee, a fourth of the fees, levied every year: Mhar Mharkee, a particular tax on the Enams of the Mhars: Meeras Puttee, an additional tax, once in three years, on Meerassdars: Enam Fijavee, a payment of Enaumdars, of a third of the Government share of their lands yearly: Enaum Puttee, an occasional tax imposed in times of exigency on Enamdars: Pandee Gunna, an additional levy, equal to 12 per Cent. on the Tunka, once in 12 years: Vever Hoonda, an extra tax on lands, watered from wells. Other taxes were on traders alone. These were Mohterfa, a tax on shop keepers, varying with their means; in fact, an income tax: Belootee, a tax on the 12 village servants. These too are sometimes included in the Ayen Jumma, and in some places, the Mohterfa forms a distinct head by itself: Bazar Beituk, a tax on stalls at fairs: Koomar Khan, on the earth dug up by the Potters. The following might fall indiscriminately on both classes: Ghur Puttee or Amber Sarree, a house tax levied from all, but Bramins and Village officers. Butchappanee, a fee on the annual examination of weights and measures: Tug, a similar fee on examining the scales used for bulky articles: Deckka, on the right to beat a drum, on particular religious and other occasions: Khereedy Jins, (or purveyance,) the right to purchase articles at a certain rate; this was generally commuted for a money payment: Luggun Tukka, a tax on marriages: Paut Dauma,

Extra Revenue.

a

a particular tax on the marriage of widows: Mhys Puttee, a tax on buffaloes: Bukra Puttee, a tax on sheep: There were also occasional contributions in kind called Fur Furmanesh, such as bullock's hides, charcoal, hemp, rope, ghee, &c. which were often commuted for fixed money payments; many other sums were paid in commutation for service. All these collections were made by the Patail in small villages, though in towns there was a separate officer to levy those most connected with the land. Government had other sources of revenue included in the Sewaee Jumma in each village, besides those enumerated. The principal were as follows: Khamawis, Goonahgarree, or Kund Furshee, as fines and forfeitures, beitool maal (echeats) amount (profit from deposits and temporary sequestrations): Wuncheravee, paid by cattle grazing on government land: Ghas kuttanee or grass cut on government lands: Devustant dubhee, derived from offerings to idols: Khurboozwarree, on melon gardens on the beds of rivers: besides all this and besides the Gaum Khurch or village expences, there were taxes to defray the Mehel Saudir Warrid, district expences, not already provided for by Government, in which were included many personal expenses of the Mamlutdars, and a large fund for embezzlement and corruption for himself and the courtiers who befriended him.

Extraordinary and occasional Impositions.

In addition to all these exactions, there were occasional impositions on extraordinary emergencies, which were called Jastee Puttee, and Yesksallee Puttee. If these happened to be continued for several years, they ceased to be considered as occasional impositions, and fell into the regular Sevaee Jumma; but until the introduction of the farming system, they are said to have been as rare as the occasions which furnished the pretext for them.

The Farming System.

The changes introduced by that system may be described without much difficulty. They were in fact rather aggravations of the evils of the

the antient system than any complete innovations. The office of Mamlutdar, instead of being conferred as a favor on a person of experience and probity, who could be punished by removal, if his conduct did not give satisfaction, was put up to Auction among the Peshwa's attendants, who were encouraged to bid high, and sometimes disgraced if they showed a reluctance to enter on this sort of speculation. Next year the same operation was renewed, and the district was generally transferred to a higher bidder. The Mamlutdar, thus constituted, had no time for enquiry, and no motive for forbearance; he let his district out at an enhanced rate to under farmers, who repeated the operation until it reached the Patails. If one of these officers farmed his own village, he became absolute master of every one in it. No complaints were listened to, and the Mamlutdar, who was formerly a check on the Patail, as the Government was on the Mamlutdar, now afforded him an excuse for tyranny of bearing the blame of his exactions. If the Patail refused to farm the village at the rate proposed, the case was perhaps worse, as the Mamlutdars' own officers undertook to levy the sum determined on, with less knowledge and less mercy than the Patail; in either case, the actual state of the cultivation was in essentials entirely disregarded. A man's means of payment, not the land he occupied, were the scale on which he was assessed. No moderation was shewn in levying the sum fixed, and every pretext for fine and forfeiture, every means of rigor and confiscation, were employed to squeeze the utmost out of the people, before the arrival of the day when the Mamlutdar was to give up his charge: amidst all this violence, a regular account was prepared, as if the settlement had been made in the most deliberate manner. This account was of course fictitious, and the collections were always underrated, as it enabled the Patail to impose on the next Mamlutdar, and the Mamlutdar to deceive the Government and his fellows. The next Mamlutdar pretended to be deceived; he agreed to the most moderate

terms,

terms, and gave every encouragement except Takkávee (advances) to increase the cultivation, but when the crops were on the ground, or when the end of his period drew near, he threw off the mask and plundered like his predecessor. In consequence of this plan, the assessment of the land, being proposed early in the season, would be made with some reference to former practice, and Saudir Waurid and other Puttees would accumulate, until the time when the Mamlutdar came to make up his accounts; it was then that his exactions were most severely felt, for he had a fixed sum to complete, and if the collections fell short of it, he portioned out the balance among the exhausted villages, imposed a Jaste (Zeddutee) Puttee, or extra assessment, to pay it, and left the Patails to extort it on whatever pretence, and by whatever means they thought proper. We are now suffering from this system, for as we have no true accounts, and are afraid to over assess, we are obliged to be content with whatever the people agree to. Captain Brigg's collections in Candeish, tho' willingly acceded to by the Ryots, are yet much heavier than any that appear in the accounts during the ten years of oppression that have depopulated Candeish. Some places no doubt escaped the oppressions of the farming system. Where a village belonged to a man of influence, or a favorite of such a man, the assessment fell light on him, and he gained by the emigration of Ryots, occasioned by the misfortunes of his neighbours.

The above sources of revenue were collected by the village establishment; the following were in the hands of distinct officers directly under the Government.

Customs.

Zakaut, or Customs: this was a transit duty levied by the Bullock load, but the rate varied in proportion to the value of the article; the highest was 8 rupees. It was levied separately in every district, so that property was frequently liable to be stopped and searched. To remedy this inconvenience,

venience, there was a class called Hoondeekurrees in towns, who undertook for a single payment to pass articles through the whole country. These men arranged with the Farmers of the Customs, and were answerable to them for the sums due. In addition to the transit duty there was a tax of 12 per Cent. on the sale of Animals included in the Zakaut.

2. The Government lands were another source of revenue not included in the villages; they were divided into Shairee (cultivated fields;) Coorums (grass lands;) Baugh (gardens;) and Ambraee (orchards.)

Government Lands.

3. The Sheep Pastures.—This was a tax paid by the Killarries, or wandering Shepherds, for the right to feed their flocks on all waste lands, from the Taptee to the Toombuddra.

Sheep Pastures.

4. Ramdwa, a fee paid for leave to cut wood in the forests belonging to Government.

Forests.

5. Kotwallee.—This may be called town duties; it comprised, besides the taxes included in Sewaee Jummed, a variety of other imposts, among which the most considerable was a tax of 17 per Cent. on the sale of Houses.

Town Duties.

6. Tunksaul, the Mint.

Mint.

7. Wuttun Zubtee—Produce of lands belonging to Zemindars sequestrated by Government.

Sequestration.

8. Nuzzur—Fines or fees paid on succession to property. If a son succeeded his father, he was not liable to this payment, unless he were a Jageerdar or other servant of Government. But in cases of adoption, (that is, in almost all cases, except where a son succeeded,) it was exacted from all persons.

Fines and Fees.

M The

The first six Articles were always, or almost always, farmed; the rest were not. The Zakaut before the cessions of Poona produced about 5 Lacs of Rupees: the Sheep Pastures about 25,000 Rupees: the Mint at Poona yielded 10,000 Rupees: the others were confounded with the general receipts of the districts where they were situated. The Wuttun Zubtee yielded 50,000 Rupees. The amount of the Nuzzurs was too fluctuating to be guessed at.

The Kotwallsset, in NANA FURNAVEES's time, yielded 50,000 Rupees; of which a great part was produced by money extorted from persons guilty or suspected of adultery. BAJEE ROW, much to his honor, abolished this pretext for extortion; but his lenity was far from being approved by the better part of his subjects. The other articles were trifling. Abkarry, which is so important with us, did not yield above 10,000 Rupees. The use of Spirituous Liquors was forbidden at Poona, and discouraged every where else; the effect of this system on the sobriety of the people is very conspicuous.

Present Revenue System.

The outline of the Revenue system adopted since our acquisition of the Country is contained in my letter dated July 10th, conveying instructions to the Collectors, and in that dated July 14th, enclosing instructions for Mamlutdars. The leading principles are, to abolish farming, but otherwise to maintain the Native system; to levy the Revenue according to the actual cultivation; to make the assessments light; to impose no new taxes; and to do none away, unless obvious and unjust; and, above all, to make no innovations. Many innovations were however the result of the introduction of foreign rulers and foreign maxims of Government, but in the Revenue Department most of them were beneficial. The country, which had been under many Mamlutdars, with very unequal extent of territory and power, was placed under five principal officers

(I

(I include Sattara) with much superior weight and respectability. The Chief Authority now resided in the district, and devoted his whole time to its affairs, and all the subordinate Agents were obliged to follow his example. The straggling Revenue Divisions of the Marrattas were formed into compact districts, each yielding from 50 to 70,000 Rupees a year, and placed under a Mumlutdar. The numerous partitions of Revenue (Choute, Baubtee, &c.) being thrown into the hands of one Agent, were virtually abolished. The assessments were much lighter than formerly, and much more uniform and clearly defined. The powers of the Mamlutdars were limited, and the system of fixed pay and no perquisites was decidedly introduced in principle, though of course it may be still secretly departed from in practice. The improvements in the administration of the Revenue Department are greater than in the rulers. —Faith is kept with the Ryot; more liberal assistance is given him in advance; he is not harassed by false accusations as pretexts to extort money; and his complaints find a readier hearing and redress. Some of our alterations are less agreeable to all or to particular classes. We have more forms and more strictness than our predecessors; the power of the Patail is weakened by the greater interference of our Mamlutdars. His emoluments are injured by our reductions of the Saudir Waurid, and even the Ryots, who were taxed for his profit, are made to feel the want of some of their charities and amusements, while they confound the consequent reductions of their payments with the general diminution in the assessment. The character of our Mamlutdars is not entirely what we could wish, as the country was occupied before the PAISHWA's cause was desperate; few of his adherents would venture to join us, and we were obliged to employ such persons as we could procure without much regard to their merit. In Poona and Sattara the Mamlutdars are, nevertheless, respectable servants of the old Government; I have more doubts regarding those in Candeish, being chiefly either from the Ni-

zam's

zam's country (which is notorious for bad Government,) or from Hindoostan. I have strongly recommended to all the Collectors to take every opportunity to introduce servants of the former Government, but much time must elapse before this can be entirely accomplished. An important change is made by the introduction of some men from the Madras provinces: though very anxious to employ the Revenue Officers of the Marratta Government in general, I thought it desirable to have a very few of our old subjects, as well from general policy in a new conquest, as to introduce some models of system and regularity. As each Collector was to have two principal Officers to check each other, I thought it would contribute to that object, and answer other ends, to have one of them from the Madras Provinces. General MUNRO was also obliged to bring a very great proportion of persons of this description into the country under his charge—They are more active, more obedient to orders, more exact and methodical than the Marrattas, but they introduce forms of respect for their immediate superiors quite unknown here, while they shew much less consideration for the great men of the country, and are more rough, harsh, and insolent in their general demeanour. It might be worth while to consider how much of these characteristics they owe to us, and how much to the Mussulmans.

The duties of the Mamlutdars are to superintend the collection of the Revenue, to manage the Police, to receive Civil and Criminal complaints, referring the former to Punchayets and sending up the latter to the Collector. They have a Serishtadar who keeps their records, an accountant, and some other assistants. The pay of a Mamlutdar is from 70 to 150 a month, and that of a Serishtadar from 35 to 50—The systems adopted by all the Collectors were founded on the Marratta practice, though varying from it and from each other in some particulars. The foundation for the assessment in all was the amount paid by each Village in times when the people considered themselves to have been well governed,

A detailed explanation of the operations of the Collectors will be found in Mr. CHAPLIN's Instructions to his Sub-Collectors, enclosed in his letter of— Captain BRIGGS's letter dated June 23d, 1819. Capt. GRANT's

verned.—Deductions were made from this in proportion to the diminution of the cultivation, and afterwards further allowances were made on any specific grounds alleged by the Ryots. The amount to be paid was partitioned among the Ryots by the Village Officers, and, if all were satisfied, Puttahs were given, and the settlement was ended.

letter dated August 17th, 1819. Captain ROBERTSON's letter of August 28th, and Captain POTTINGER's Instructions to Mr. WILKINS in his letter of August 30th.

All the Collectors abolished Jastee Puttees (or arbitrary taxes, having no reference to the land or trade,) and all regulated the Saudir Waurid, doing away all exactions on that account, more than were necessary for the Village expences. Captain BRIGGS even abolished the Saudir Waurid Pauttee altogether, and defrayed the Village expences from the Government Revenue, limiting the amount to 4 per cent. on the gross Jumma. The expediency of this arrangement is however doubtful, both as to the close restriction of the expence, and the laying it on Government: all paid great attention to the circumstances of the Ryots, and made their assessment studiously light. There were however some points of difference in their proceedings. Mr. CHAPLIN and Captain GRANT contented themselves with ascertaining the extent of the land under cultivation, by the information of neighbours and of rival Village officers, aided by the observation of their own servants; Captain POTTINGER and Captain ROBERTSON had the lands of some Villages measured, but only in cases where they suspected frauds; and Captain BRIGGS began by a measurement of the whole cultivation, either of Gungterry alone, or of both that and Candeish. All the Collectors kept up the principle of the Ryotwar settlement, and some carried it to a greater extent than had been usual with the Marrattas. Mr. CHAPLIN and Captain POTTINGER, after settling with the Patail for the whole Village, settled with each Ryot and gave him a Puttah for his field. Captain GRANT and Captain ROBERTSON settled with the Patail and gave him a Puttah, but first ascertained the Amount assessed on each Ryot, and enquired if he was satisfied with it; and Captain BRIGGS, though he settled for each field, did it all with the

 Patail,

Patail, taking an engagement from him to explain at the end of the year how much he had levied on each Ryot.

This refers to the settlement with the Villages: the customs have been farmed on account of the difficulty of preparing a Tariff, and of superintending the introduction of a new system, while the Collectors were so fully occupied in other matters. No complaints are made, from which it may be inferred that the present system, if not profitable to Government, is not oppressive to the people. The exemptions of our Camp dealers have been done away; the original motive of them (to prevent disputes between our people and the Paishwa's) being now no longer in force. The exemption made no difference in the price of articles to the troops, though it afforded a pretence for great frauds in the customs. The only good effect it had was to attach dealers to the Camp Bazars, but the exemption from taxes while in Cantonments, and from the customs also when on Service, may be expected to be sufficient to retain them.

The Sheep Pastures are still a distinct farm, but the arrangement is so inconvenient, from the want of authority in the hands of Collectors over Shepherds entering their Districts, that I propose to alter it.

None of the Taxes called Kotwallee are now levied, they having either been done away or suspended by Bajee Row. If they should prove only to be suspended, the unexceptionable ones ought, if possible, to be restored.

The Abkarree I would recommend keeping in its present low state, by prohibitions, or by very heavy taxes.

The Mint is still farmed, but this should be changed, as soon as a system regarding the coinage has been resolved on.

The

The other taxes require no particular remark. The tax on adoptions ought to be kept up, as one that is little felt, and is attended with advantages in recording successions.

POLICE AND CRIMINAL JUSTICE.

Marratta System of Police.

The Marratta System of Police is that common in the Deccan, which has already been too fully described to require a minute account.

Village Police.

The Patail is responsible for the Police of his village. He is aided by his Coolkurnee and Chougulla, and, when the occasion requires it, by all the inhabitants. His great and responsible assistant in matters of Police is the village watchman, who is called the Talarree in the Carnatic, the Mhar in the Marratta country, and the Jagla in Candeish; in the first-named district he is by cast a Beder, in the second a Dher, and in the third a Beel. Though there is only an allowance for one watchman in a village, the family has generally branched out into several numbers, who relieve and aid each other in the duties. The duties are to keep watch at night, to find out all arrivals and departures, observe all strangers, and report all suspicious persons to the Patail. The watchman is likewise bound to know the character of each man in the village, and in the event of a theft committed within the village bounds, it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which being partly a small share of the grain and similar property belonging to each house, he is kept always on the watch to ascertain his fees, and always in motion to collect them. When a theft or robbery happens, the watchman commences his inquiries and researches; it is very common for him to track a thief by his footsteps, and if he does this to another village, so as to satisfy the watchman there, or if he otherwise traces the property to an adjoining village, his responsibility ends, and it

is

is the duty of the watchman of the new village to take up the pursuit. The last village to which the thief has been clearly traced becomes answerable for the property stolen, which would otherwise fall on the village where the robbery was committed. The watchman is obliged to make up this amount as far as his means go, and the remainder is levied on the whole village. The exaction of this indemnity is evidently unjust, since the village might neither be able to prevent the theft, nor to make up the loss, and it was only in particular cases that it was insisted on to its full extent; but some fine was generally levied, and neglect or connivance was punished by transferring the Enam of the Patail, or watchman, to his nearest relation, by fine, by imprisonment in irons, or by severe corporal punishment. This responsibility was necessary, as, besides the usual temptation to neglect, the watchman is often himself a thief, and the Patail disposed to harbour thieves with a view to share their profits. This peculiar temptation in case of theft has made that offence be most noticed; in other crimes, the village has less interest in connivance, and probably is sufficiently active: but gross negligence in these cases also would have been punished by the government. I have mentioned that, besides the regular village watchmen, others were often entertained from the plundering tribes in the neighbourhood. Their business was to assist in repelling open force, and to aid in the apprehension of all offenders, but chiefly to prevent depredations by their own tribes, and to find out the perpetrators when any did occur.

District Police.

The Patail was under the same authority, as a Police officer that he was as a Revenue one,—the Mamlutdar, who employed the same agents in this department as in the other. The Mamlutdar saw that all villagers acted in concert and with proper activity, and when there was a Sirsoobehdar, he kept the same superintendence over the Mamlutdars. These officers had also considerable establishments to maintain the tranquillity of their districts. These were the Sebundies, or Irregular Infantry, and the

the small parties of horse which were kept in every district: they were, however, employed to oppose violence and to support the Village Police, not to discover offenders. With the Mamlutdar also rested all general arrangements with the chiefs of Beels, or other predatory tribes, either for forbearing from plunder themselves, or for assisting to check it in others. The Mamlutdar had great discretionary powers, and even a Patail would not hesitate to secure a suspected person, or to take any measure that seemed necessary to maintain the Police of his village, for which he was answerable.

This was the plan of the Police up to the time of BAJEE Row, during the reign of MADHOO Row 1st, and likewise during the administration of NANA FURNAVEES; it is said to have succeeded in preserving great security and order.

Alterations under BAJEE ROW.

The confusions in the commencement of BAJEE Row's reign, the weakness of his own government, the want of employment for adventurers of all kinds, and the effects of the famine, greatly deranged the system of Police; and, to remedy the disorders into which it fell, an office was instituted under the name of Tapposnavees, the special duty of which was to discover and seize offenders. The Tapposnaveesses had districts of different extent, not corresponding with the usual revenue divisions, and only comprehending those portions of the country, where the services of such officers were thought to be most required. They had a jurisdiction entirely independent of the Mamlutdars; and had a body of horse and foot, which was the principal instrument of their administration. They had also Ramoosses and Spies, whom they employed to give information, and on receiving it they went with a body of horse to the village where the theft happened, and proceeded to seize the Patail and the watchmen, and to demand the thief, or the amount of the property stolen, or the fine which they thought proper to impose if the offence

Tapposnavees.

were any other than theft. That detection of the offender, they seem to have left in general to the ordinary Village Police. It may be supposed that such a violent proceeding, and one so foreign to the ordinary system, could not fail to clash with the former institutions, and accordingly there were constant and loud complaints by the Mamlutdars and Villagers, that the Tapposnaveesses were only active in extorting money under false accusations, and that robbers rather flourished under their protection. The Tapposnaveesses, on the other hand, complained of indifference, connivance and counteraction on the part of the Villagers and Revenue Officers.

Abuses.

Great abuses, it must be mentioned, are stated to have at all times existed even under the regular system. Criminals found refuge in one district when chased out of another; some Jageerdars and Zemindars made a trade of harbouring robbers, and any offender, it is said, could purchase his release, if he had money enough to pay for it. False accusations were likewise made a cloak to exaction from the innocent, and Villages were obliged to pay the amount of plundered property, in the loss of which they had no share, and for which the losers received no compensation. There cannot be a stronger proof of the enormous abuses to which the former Police was liable, than is furnished by an occurrence in the city of Poona, under the eye of Government in the days of NANA FURNAVEES. There was at that time a Cutwall called Ghasee Ram, a Native of Hindoostan, who was much trusted, and rose to great eminence. This man was convicted of having for many years employed the powers of the Police in murders and oppressions, which the Natives illustrate by stories far beyond belief; his guilt was at length detected and excited such indignation, that though a Bramin, it was decided to punish him capitally: he was therefore led through the City on a Camel, and then abandoned to the fury of the populace, whom this exposure had assembled, and by them stoned to death.

In

Police of Poona.

In BAJEE Row's time 9000 Rupees a month was allowed to the Officer who had charge of the Police at Poona: from this he had to maintain a very large establishment of Peons, some Horse Patroles, and a considerable number of Ramoossees, besides being answerable for the amount of property plundered whenever the PAISHWA thought proper to call on him. Still his appointment was reckoned lucrative, as the pay of his establishment was very low, and both he and they derived much profit from unavowed exactions.—The Police however was good; on the whole, murders or robberies, attended with violence and alarm, were very rare, and I have never heard any complaints of the insecurity of property.

Criminal Justice under the Marrattas.

Next to the prevention of crimes and the apprehension of Criminals, comes the manner in which offences, &c. are tried and punished: in this are involved the authorities competent to try, the forms of trial, and the law by which guilt is defined and punishment awarded.

By whom administered.

The power of administering Criminal Justice under the Marratta Government was vested in the Revenue Officers, and varied with their Rank, from the Patail, who could only put a man for a few days in the Village Chokie, to the Sirsoobehdar, who in latter days had the power of life and death. Formerly this power was confined to persons invested with the full powers of Government, by being intrusted with the Moottallikie Seal, and to great Military Chiefs, in their own armies, or their own Jageers.

The right of inflicting punishment was however extremely undefined, and was exercised by each man more according to his power and influence than to his office. One Patail would flog and fine and put in the stocks for many weeks, and another would not even venture to imprison. Most Mamlutdars would hang a Ramoossee, Beel, or Maug robber, without a reference; and those at a distance would exercise their power without

out scruple, while the highest Civil Officers, if at Poona, would pay the PAISHWA the attention of applying for his sanction in a capital case. A Chief was thought to have authority over his own troops and servants wherever he was. SINDIA, while he affected to act under the PAISHWA, put many of his Chiefs and Ministers, (even Bramins) who had been accused of plots, to death. At Poona APPA DESSYE, in 1813, while completely in the PAISHWA's power, blew away one of his Sirdars from a Gun for conspiracy against him, and was never questioned, though the execution took place within a mile of Poona.

Trial.

There was no prescribed form of trial.—A principal rebel, or a head of Banditti, would be executed at once on the ground of notoriety; any Beel, caught in a part of the country where the Beels were plundering the road, would be hanged immediately. In doubtful cases the chief authority would order some of the people about him to enquire into the affair. The prisoner was examined, and if suspicions were strong, he was flogged to make him confess. Witnesses were examined, and a summary of their evidence and of the statement of the accused were always taken down in writing. They were sometimes confronted with the accused, in the hope of shaming or perplexing the party whose statement was false; but this was by no means necessary to the regularity of the proceedings. The chief authority would generally consult his Officers, and perhaps employ a Committee of them to conduct an enquiry; but I should doubt whether Punchayets were ever generally employed in criminal trials, though mentioned by Captain GRANT to have been so in the Sattara Country.

In crimes against the state, the Prince made such enquiries, or directed his Ministers to make such as seemed requisite for his own safety, and gave such orders regarding the accused as their case seemed to require.

Torture

Torture was employed to compel confession, and disclosure of accomplices.

Trials of this sort were naturally considered in a despotic Government as above all law, but even in common Criminal Trials no law seems ever to be referred to, except in cases connected with Religion, where Shastrees were sometimes consulted. The only rule seems to have been the custom of the country, and the Magistrate's notice of expediency. The Hindoo Law was quite disused, probably owing to its absurdity; and, although every man is tolerably acquainted with its rules in civil cases, I do not believe any one but the very learned has the least notion of its criminal enactments.

Criminal Law.

The following were the customary Punishments. Murder, unless attended with peculiar atrocity, appears never to have been capital, and was usually punished by fine. Highway Robbery was generally punished with death, because it was generally committed by low people, for a greater distinction was made in the punishment, on account of the cast of the criminal than the nature of the crime. A man of tolerable cast was seldom put to death, except for offences against the State. In such cases birth seems to have been no protection. WITTOJEE, the full Brother of JESWUNT ROW HOLKAR, was trampled to death by an Elephant for rebellion, or rather for heading a gang of predatory horse. SYAJEE ATOLEE, a dispossessed Jageerdar, was blown away from a gun for the same offence; yet it is well observed by Mr. CHAPLIN, that treason and rebellion were thought less of than with us. This originated in a want of steadiness, not of severity, in the Government. When it suited a temporary convenience, an accommodation was made with a rebel, who was immediately restored, not only to safety but to favor. BALKISHEN GUNGADHUR received a Jageer for the same insurrection for which WITTOJEE HOLKAR was put to death. WISSWAS ROW GHATKY, who headed a large body of plundering horse, and was cut up by the

Punishments.

Duke of WELLINGTON at Mankaisur, was treated with much favor by the PAISHWA; but ABDULLA KHAN, a relative of the Nabob of Savanore, who committed the same offence at a subsequent period, was blown away from a gun. The other punishments were hanging, beheading, cutting to pieces with swords; crushing the head with a mallet. Punishments, though public, were always executed with little ceremony or form. Bramin prisoners who could not be executed were poisoned, or made away with by deleterious food; bread made of equal parts of flour and salt was one of those. Women were never put to death; long confinement and the cutting off the nose, ears, and breast, were the severest punishments inflicted on them. Mutilation was very common, and the person who had his hand, foot, ears, or nose cut off, was turned loose as soon as the sentence was executed, and left to his fate. Imprisonment in Hill Forts and in Dungeons was common; and the prisoners, unless they were people of consideration, were always neglected, and sometimes allowed to starve. Prisoners for theft were often whipped, at intervals, to make them discover where the stolen property was hidden. Hard labour, in building fortifications especially, was not unknown, but like most ignominious punishments was confined to the lower orders. Branding with a hot iron is directed by the Hindoo law, but I do not know that it was practised. Flogging with a martingale was very common in trifling offences, such as petty thefts, &c. But the commonest of all punishments was fine and confiscation of goods, to which the Mamlutdar was so much prompted by his avarice, that it is often difficult to say whether it was inflicted as the regular punishment, or merely made use of as a pretence for gaining wealth. On the one hand it seems to have been the Marratta practice to punish Murder, especially if committed by a man of good cast, by fine; but on the other the Mamlutdars would frequently release Beel Robbers, contrary to the established custom, and even allow them to renew their depredations on the payment of a sum of money. No other punishment, it may be averred, was ever inflicted on a man

who

who could afford to pay a fine; and, on the whole, the criminal system of the Marrattas was in the last state of disorder and corruption.

Prevailing Crimes.

Judging from the impunity with which crimes might be committed under a system of Criminal Justice and Police, such as has been described, we should be led to fancy the Marratta country a complete scene of anarchy and violence. No picture, however, could be further from the truth. The reports of the Collectors do not represent crimes as particularly numerous. Mr. CHAPLIN, who has the best opportunity of drawing a comparison with our old provinces, thinks them rather rarer here than there. Murder for revenge, generally arising either from jealousy or disputes about landed property, and as frequently about Village rank, is mentioned as the commonest crime among the Marrattas. Arson and Cattle stealing, as a means of revenging wrongs, or extorting justice, is common in the Carnatic. Gang robberies and highway robbery are common, but are almost always committed by Beels and other predatory tribes, who scarcely form part of the society; and they have never, since I have been in the country, reached to such a pitch as to bear a moment's comparison with the state of Bengal, described in the papers laid before Parliament.

Attempt to account for their rarity.

It is of vast importance to ascertain the causes that counteracted the corruption and relaxation of the Police, and which kept this Country in a state superior to our oldest possessions, amidst all the abuses and oppressions of a Native Government. The principal causes to which the disorders in Bengal have been attributed are the over population, and the consequent degradation and pusillanimity of the people; the general revolutions of property, in consequence of our revenue arrangements, which drove the upper classes to disaffection, and the lower to desperation; the want of employment to the numerous classes, whether Military or otherwise, who were maintained by the Native Government;

the

the abolition of the antient system of Police, in which, besides the usual bad effects of a general change, were included the removal of responsibility from the Zemindars; the loss of their natural influence as an instrument of Police, the loss of the services of the village Watchmen, the loss of a hold over that class which is naturally disposed to plunder, and, in some cases, the necessity to which individuals of it were driven to turn robbers, from the resumption of their allowances; the separation of the Revenue, Magisterial, Judicial and Military powers, by which all were weakened; the further weakness of each from the checks imposed on it; the delays of trials, the difficulties of conviction, the inadequacy of punishment, the trouble and expense of prosecuting and giving evidence; the restraints imposed by our maxims on the assumption of power by individuals, which, combined by the dread of the Adawlut, discouraged all from exertion in support of the Police; the want of an upper class among the Natives, which could take the lead on such occasions; and, to conclude, the small number of European Magistrates who supply the place of the class last mentioned, their wants of connection and communication with the natives, and of knowledge of their language and character.

The Marratta Country presents in many respects a complete contrast to the above picture. The people are few, compared to the quantity of arable land; they are hardy, warlike, and always armed, till of late years; the situation of the lower orders was very comfortable, and that of the upper prosperous. There was abundance of employment in the domestic establishments and foreign conquests of the nation. The antient system of Police was maintained, all the powers of the state were united in the same hands, and their vigor was not checked by any suspicions on the part of the Government, or any scruples of their own. In cases that threatened the peace of Society, apprehension was sudden and arbitrary,

trary, trial summary, and punishment prompt and severe.—The innocent might sometimes suffer, but the guilty could scarcely ever escape. As the Magistrates were natives, they readily understood the real state of a case submitted to them, and were little retarded by scruples of conscience, so that prosecutors and witnesses had not long to wait. In their tax system men knew that if they were right in substance, they would not be questioned about the form; and perhaps they likewise knew that if they did not protect themselves, they could not always expect protection from the Magistrate; whose business was rather to keep down great disorder, than to afford assistance in cases that might be settled without his aid. The Mamlutdars were themselves considerable persons, and there were men of property and consideration in every neighbourhood; Enamdars, Jageerdars, or old Zemindars. These men associated with the ranks above and below them, and kept up the chain of society to the Prince; by this means the higher orders were kept informed of the situation of the lower, and as there was scarcely any man without a patron, men might be exposed to oppression, but could scarcely suffer from neglect.

Means for preserving an efficient Police.

Many of the evils from which this Country has hitherto been exempt, are inseparable from the introduction of a foreign Government, but perhaps the greater may be avoided by proper precautions. Many of the upper classes must sink into comparative poverty, and many of those who were employed in the Court and Army must absolutely lose their bread; both of these misfortunes happened to a certain extent in the commencement of Bajee Row's Reign, but as the frame of Government was entire, the bad effects of these partial evils were surmounted. Whether we can equally maintain the frame of Government, is a question that is yet to be examined. The present system of Police, as far as relates to the Villages, may be easily kept up; but I doubt whether it is enough that the Village Establishment be maintained, and the whole put under a

Mamlutdar. The Patail's respectability and influence in his Village must be kept up, by allowing him some latitude both in the expenditure of the Village expences, and in restraining petty disorders within his village. So far from wishing that it were possible for the European Officers to hear all complaints on such subjects, I think it fortunate that they have not time to investigate them, and think it desirable that the Mamlutdars also should leave them to the Patails, and thus preserve a power, on the aid of which we must in all branches of the Government greatly depend.—Zealous co-operation of the Patails is as essential to the Collector of the Revenue, and to the administration of Civil Justice, as to the Police, and it ought therefore by all means to be secured.—Too much care cannot be taken to prevent their duty becoming irksome, and their influence impaired by bringing their conduct too often uuder the correction of their superiors. I would lend a ready ear to all complaints against them for oppression, but I would not disturb them for inattention to forms, and I would leave them at liberty to settle petty complaints their own way, provided no serious punishment were inflicted on either party. We may weaken the Patails afterwards, if we find it necessary, and retrench their emoluments; but our steps should be cautious, for if we once destroyed our influence over the Patails, or theirs over the people, we can never recover either; care ought also to be taken of the condition of the Village Watchman, whose allowance, if not sufficient to support him and to keep him out of temptation to thieve, ought to be encreased; but it ought not to be so high as to make him independent of the community, and it ought always to be in part derived from contributions, which may compel him to go his rounds among the villagers as at present.

If the Village Police be preserved, the next step is, to preserve the efficiency of the Mamlutdar; at present all powers are invested in that Officer,

cer, and as long as the Auxiliary Horse and Sebundies are kept up, he has ample means of preserving order. The only thing requisite at present is, that the Mamlutdar should have higher pay, to render him more respectable, and more above temptation, and to induce the better sort of Natives to accept the Office. When the Sebundies are reduced in numbers and the Horse discharged, our means of preserving the Police will be greatly weakened, at the same time that the number of enemies to the public tranquility will be encreased: the number of Sebundies now in our pay, by giving employment to the idle and needy, contributes I have no doubt more than any thing else, to the remarkable good order which this part of our new conquests has hitherto enjoyed. The Mamlutdar will also feel the want of many of the Jageerdars, and others of the upper class, who used to aid his predecessors with their influence, and even with their troops. The want of that class will be still more felt as a channel through which Government could receive the accounts of the state of the districts, and of the conduct of the Mamlutdars themselves. The cessation of all prospect of rise will of itself in a great measure destroy the connection between them and their rulers, and the natural distance, which I am afraid must always remain between Natives and English gentlemen, will tend to complete the separation. Something may be done by keeping up the simplicity and equality of Marratta manners, and by imitating the facility of access which was conspicuous among their chiefs. On this also, the continuance of the spirit of the people, and of our own popularity, will probably in a great measure depend. Sir Henry Strachey, in his report laid before Parliament, attributes many of the defects in our administration in Bengal to the unmeasurable distance between us and the Natives, and afterwards adds that there is scarcely a Native in his district who would think of sitting down in the presence of an English gentleman. Here, every man above the rank of a Hircarrah, sits down before us, and did before the Paishwa; even a common Ryot, if he had to stay any time, would sit down on the ground. This contributes,

as

as far as the mechanical parts of the society can, to keep up the intercourse that ought to subsist between the governors and the governed; there is, however, a great chance that it will be allowed to die away. The great means of keeping it up, is for gentlemen to receive the Natives often when not on business. It must be owned there is a great difficulty in this. The society of the Natives can never be in itself agreeable, no man can long converse with the generality of them, without being provoked with their constant selfishness and design, wearied with their importunities and disgusted with their flattery. Their own prejudices also exclude them from our society in the hours given up to recreation, and at other times want of leisure is enough to prevent gentlemen receiving them; but it ought to be remembered that this intercourse with the Natives is as much a point of duty, and contributes as much towards good Government, as the details in which we are generally occupied.

Much might likewise be done by raising our Mamlutdars to a rank which might render it creditable for Native gentlemen to associate with them. It must be owned, our Government labors under natural disadvantages in this respect, both as to the means of rendering our instruments conspicuous, and of attaching them to our cause. All places of trust and honor must be filled by Europeans. We have no irregular army to afford honorable employment to persons incapable of being admitted to a share of the Government, and no Court to make up by honors an empty favor for the absence of the other more solid objects of ambition. As there are no great men in our service, we cannot bestow the higher honors, and the lower, on which also the Natives set a high value, as the priviledge of using a particular kind of umbrella, or of riding in a Palankeen, cease to be honors under us from their being thrown open to all the world. What honors we do confer are lost, from our own want of respect for them, and from our want of sufficient discrimination to enable us to suit them exactly to the person and the occasion, on

which

which circumstances the value of these fanciful distinctions entirely depends.

To supply the place of these advantages, we have nothing left but good pay, personal attentions, and occasional commendations and rewards. The first object may be attained without much additional expense, by enlarging the districts; diminishing the number of Officers, and encreasing their pay. The pay might also be augmented for length of service, or in reward of particular activity. It might be from 200 to 250 Rupees at first, and increase one sixth for every five years service; khilluts might also be given as occasional rewards for services, and, above all, lands for life, or even on rare occasions for two or three lives, or in perpetuity, ought to be given to old or to meritorious servants. Besides the immediate effect of improving the conduct of the Mamlutdars by these liberalities, the political advantage would be considerable by spreading over the country a number of respectable persons attached to the Government, and capable of explaining its proceedings. If these grants could often be made hereditary, we should also have a source from which hereafter to draw well-educated and respectable men to fill our public offices, and should found an order of families exactly of the rank in life which would render them useful to a Government circumstanced like ours. The jageer lands as they fall in might be applied to this purpose, and I think it would be good policy to make the rules regarding the resumption at the death of the present incumbents, much stricter, if they were to be applied to this purpose; since we should gain more of useful popularity by grants of this kind, than we should lose by dispossessing the heirs of many of the present Jageerdars. It would be a further stimulus to the Mamlutdars, at the same time that it contributed to the efficiency of the system, to put the office of Dufturdar with the Collector on such a footing, as to render it a sufficient object of emulation. For this purpose I would allow it 1000 Rupees a Month, which considered as the very high-

evil, and if the Collector be deficient, I am afraid that no distribution of powers would make up for his want of capacity, or do more than palliate or conceal the evils to which such a want would give rise.

The highest rank in the chain under Government should be a Court, or an individual vested with a general control of all Departments, who should be frequently in motion, and whose business should rather be to superintend the whole system than to administer any part of it, and to see that essentials were attended to, rather than rules were not violated. I would vest the fullest power over the Officers under them in the Collector, and in like manner it would be proper for Government to pay the utmost attention to the principal Officer's recommendations, originating in the good or ill conduct of the Collectors. So general a charge of course requires great industry and abilities; it is to be hoped such may be obtained, and if they are not, I despair of supplying their place by any machinery that can possibly be invented.

I have introduced those remarks under the Police where they first occurred to me, but it is evident they apply equally to any other branch of the Government.—I now return to the Police.

The spirit of the people has been mentioned as of the first importance, and although that may be expected to flag under a foreign rule, and still more under a strong Government which protects all its subjects, and leaves no call for the exertion of their courage and energy in their own defence; yet there are instances in some parts of our old territories, of our subjects retaining their Military spirit after they have lost their habits of turbulence, and we may hope to accomplish the same object here. The first step towards its attainment is to remove all obstructions to the use of arms.—On our first conquest some restriction was necessary on persons travelling with arms; but that has since been relaxed,

and

and ought to be done away. Besides the advantage of arming the people for purposes of Police, it would be useful even in cases of war and insurrection, as the bulk of the people, even if disaffected, would be led, for the sake of their property, to employ their arms against our predatory enemies, rather than against us. On the same principles, villages should be encouraged to keep up their walls, and perhaps allowed some remission to enable them to repair them.

It is important to the Police that sudden discharges of Sebundies should for a long time be avoided, and the greatest encouragement given to the plan which I have mentioned elsewhere, of settling that class on waste or other lands as a sort of local Militia. It is to be considered that the Marrattas besides losing what service they had under Bajee Row, are now in a great measure shut up from those colonies in Hindoostan, that afforded such a vent for the superfluous Military population: Holkar's and the Bosla's armies are now nearly annihilated, and it is much to be feared that Scindia's will diminish.

Some rules are required regarding the receipts and sale of stolen or plundered property, regarding which the Native practice was weak and irregular.

Management of the Beels and other predatory tribes.

I insert in this place some remarks on the management of the hill tribes, which though at present it belongs to Police, might easily be raised by a wrong system to importance in a political view. The plan which has been found most effectual in the old province, especially in the Bhaugulpore hills and in the Jungle Mehauls of Midnapore, is to govern this people through their Native chiefs, whose assistance is rewarded by the support of Government, and in some cases by pecuniary allowances. This plan has been kept up here as it had been by the Paishwa after an unavailing attempt to manage the Bheels by force alone. It is

S the

the only one practicable, until the gradual effects of civilization shall have undermined the power of the chiefs, at the same time that it removes the necessity for their control over the people. The principal chiefs are at present allowed pensions, and a certain number of Bheels of their selection are also paid by the Government. These measures at once fix them in the interest of Government, and secure their influence in their tribe. It is however necessary to guard against the abuses of this system, which are, the chiefs harbouring thieves or conniving at robbers, and their acquiring such an influence as may tempt them to oppose the measures of Government. The first evil will be provided against by exacting strict responsibility from the chief, and fining or otherwise punishing him if frequent offences take place within his jurisdiction; whether the punishment should be imprisonment or removal of the same family, must depend on the notions of the Bheels, which ought to be investigated not only for this purpose, but to prepare us for questions of disputed succession to chiefships, that we may not destroy the power of this Engine of Government by running counter to the opinion of the people whom it is to sway; for the other object, it is necessary to grant no increase either in extent of land or in authority to any chief, without its being clearly necessary for repressing disorder, which necessity is not likely to be felt. The Bheels may also be gradually encouraged to settle in the plains either as cultivators or as watchmen to villages, a change which would weaken the power of the chiefs by lessening the number of their retainers. In the mean time it will be requisite to ascertain with as much precision as the case admits, of the powers which the Bheel chiefs are in the habit of exercising under the old Government. This enquiry is indeed necessary to prevent an inexperienced Magistrate from interfering unintentionally with the privileges of those chiefs.

Present system of Police.

The only innovations yet introduced by us into the form of the Marratta Police, are our closer superintendence, and the prohibition of

of the indefinite confinement of suspected persons by the Patails and Mamlutdars; but there must be a great difference in the spirit of our administration; and perhaps bad effects may be felt from it when the great awe with which we are now regarded is worn off, and when our principles come to be better understood. Though the Natives put up with petty disorders, they checked great ones with a rough hand, and gave themselves no concern about the attendant evils; if robberies were committed, they seized all the suspicious characters in the neighbourhood, and if they succeeded in restoring quiet, they did not care, though a hundred Ramoossees suffered imprisonment and torture without a fault. Such a course would not be thought of under our Government, but we must consider how much our abstaining from such tyranny must weaken us, and must provide a remedy in some more tolerable shape.

Present System of Criminal Justice.

I am afraid that remedy is not to be found in our administration of Criminal Justice, which is next to be examined. This differs greatly from the Marratta practice; the power of punishing is taken from the Patail, and that which is left to the Mamlutdar, is limited to a fine of 2 Rs. and confinement for 24 hours. The powers of the Collector are not less than those of a Sersobehdar, except in the article of inflicting capital punishment; but his manner of exercising his power is altogether different; according to our practice, a prisoner is formally and publickly brought to trial; he is asked whether he is guilty, if he admits it, pains are taken to ascertain that his confession is voluntary; if he denies it, witnesses are called on without further enquiry. They are examined in the presence of the prisoner, who is allowed to cross examine them and to call witnesses in his own defence. If there is any doubt when the trial is concluded, he is acquitted; if he is clearly guilty, the Shastery is called on to declare the Hindoo Law. It often happens that this Law is unreasonable, and when the error is on the side of severity, it is modified

modified; when on the side of lenity, it is acquiesced in. The law officers are always present at those trials. In Candeish a regular jury is generally assembled, who question the witnesses and pronounce on the guilt of the accused. In Sattara, the Political Agent calls in several respectable persons, besides the law officers, and benefits by their opinion, both in the conduct of the trial, and in determining the verdict. When the trial is concluded, and the sentence passed, in cases of magnitude it is reported for confirmation by the Commissioner, where the same leaning to the side of lenity is shewn as in the Court itself.

The punishments awarded by the Shastrees are as follows:—Death, which is executed in cases of Murder, and sometimes Robbery accompanied with attempts to Murder; mutilation which is commuted into imprisonment with hard labor, and simple imprisonment, which is carried into effect. Women are never put to death, nor Bramins, except in cases of treason, where from the nature of our conquest, it was thought necessary to hold out the severest punishment even to Bramins.

When the guilt of the accused is not proved, very great caution has been enjoined in imprisoning him on suspicion; it has indeed been recommended that no persons should be so imprisoned, unless notorious leaders of Banditti, and when any person does happen to be imprisoned for want of security, the period at which he is to be released is directed to be fixed. These rules are suggested by the injustice of subjecting a man to a greater punishment, when his guilt is not proved, than would be inflicted if it were, and by the apprehension that the Magistrate would be apt to order perpetual imprisonment in this form, without much reflection, because it appears to be only temporary and conditional restraint.

Its defects.

The whole of this system is evidently better calculated for protecting

ing the innocent from punishment, and the guilty from undue severity, than for securing the community by deterring from crimes. In the certainty and efficacy of punishment, it has the same inferiority to the Native system that the Police has in detecting and seizing offenders. The Natives seized men on slight suspicions, gave way to presumptions of guilt, forced confessions by torture and inflicted punishments, which although they were inhuman (or rather because they were inhuman,) were effectual in striking terror. Our Government demurs about proofs, discourages and almost rejects confessions, and never punishes while there is a possibility of the innocence of the accused. When it does punish, in its anxiety to prevent its inflictions from being revolting to humanity, it prevents their being terrible to offenders. Even death is divested as much as possible of its horrors. No torments, no lengthened exposure, no effusion of blood or laceration of members, even after life is extinguished; some of these are properly rejected as detestable in themselves, others that would strike the imagination of the people, are set aside, because they also strike the imagination of the legislator. Imprisonment with hard labor is our great resource next to death, and this is by no means one calculated to over-awe offenders. Our imprisonment is so carefully divested of all circumstances of terror, that there is nothing except the fetters that is likely to make the least impression on a Native. To an European, confinement is irksome, solitary confinement intolerable. Bread and water or bad fare, bad lodging, public exposure, all are real evils to him; but a Native neither losses in point of food or lodging, and shame I should think had less effect on him. In fact, by several of the reports from the districts (especially by Mr. CHAPLIN's answers to my queries,) it appears that the imprisonment ordered by our officers is far from being looked on with dread; and that they think that with the regular subsistence and comfortable blanket they get in Jail, they are better off than they would be in their own villages. There are even instances (one at Sattara and one in Poona,) of people commit-

ting petty offences to procure the maintenance allowed to prisoners; imprisonment especially when accompanied with labor, must however be a state of suffering to any man; separation from family and friends must also be an aggravation, and, on the whole, it would be absurd to contend that imprisonment is no real hardship to a Native. The worst of it is, that it is a hardship to the sufferer without seeming one to the spectators; and if, as I fancy is the case, on the present footing, it is at least as ineffectual for reformation as for example; it unites all the bad qualities that can be combined in a punishment. If to make up for our defects in convicting offenders and in punishing them when convicted, we have recourse to imprisonment also; explaining that in this case it is not meant as a punishment, we complete the destruction of its use for example. In short it may be questioned, whether our system does not occasion as much suffering as the Native one, but it is spread over a greater surface, and therefore makes less show, and neither shocks the legislator, nor alarms the criminal.

Improvements suggested.

These evils have often been remarked before; it is easier to point them out than to suggest a remedy, and greater experience might perhaps only show more clearly the difficulties to be overcome. It is possible that a very civilized Government may not be suited to a society on a less advanced stage, and that coarse expedients at which our minds revolt, may be the only ones likely to check those evils which originate in the barbarism of the people. I shall however notice a few points from the consideration of which some profit may be gained.

Too much care cannot be taken to prevent forced confessions, that is, confessions extorted by fear or torture; but there ought to be no scruple in getting at the truth by cross-examinations of the accused: an innocent man cannot criminate himself; and it is well that a guilty man should do so.

The

The Magistrate ought to have the assistance of some intelligent Natives of his own chusing at the trial. Their knowledge of the people would often lead to discoveries of the truth that might escape an European; but it is better that the conduct of the trial and the decision should rest with the Magistrate. The Punchayets in Candeish have answered better than might have been expected; but Captain BRIGGS has pointed out many inconveniences in that mode of trial, and it is obvious that where a Bramin on one hand, or a Beel on the other, was to be tried, it would be too much to expect unprejudiced decision. The Shastery ought still to attend and to be consulted, but we ought not to be guided by the Hindoo Law, which is a new introduction of our own. The customary punishments for the most usual offences might easily be ascertained and modified; thus highway robbery and gang robbery (which the Natives always punished with death,) might be changed into perpetual imprisonment, unless attended with wounding or attempt to murder. The Hindoo punishments might also be exchanged for such as we can execute, and thus, when we did succeed in convicting an offender, there would be no longer a chance of his escaping by the absurdity of the sentence. Some of the Hindoo punishments are too dreadful to be inflicted, others are too trifling to be of any use in deterring. The Hindoo Law Officer at Ahmednugger sentenced one man to be thrown from a height upon a spike, and another to be fined 6 fanams for the same offence; because in one case the stolen property had been accidentally recovered, and in the other it had not. Cast also had great weight in determining the punishment, and this ought to a certain extent to be attended to still, because an opposite conduct shocks the prejudices of the people, which unless we conciliate, all our justest sentences will be looked on as tyranny: our punishments I should think might be made more intense but shorter; severe flogging, solitary confinement in dungeons for short periods, bad fare, severe labor, and similar punishments, always so guarded as to prevent their endangering life or health. Transportation seems a good punishment

punishment, provided it be for life; but the return of a convict destroys the mysterious horror which would otherwise be excited by the sentence. Hanging in chains will probably make a great impression, if not too shocking to the prejudices of the Natives, which I apprehend it is not. As much form as possible should be thrown into all punishments, especially capital ones, and great care should be taken to suit the forms to the Native ideas. They have themselves an excellent practice of exposing persons about to suffe· death on a camel, stripped of some of their cloaths, with their hair loose, and covered with red powder and with flowers, as is usual with a corpse when carried to the funeral pyre. Some of the most terrible modes of capital punishment might be retained, when they do not add to the sufferings of the criminal; beheading and blowing away from a Gun are of this nature, but they ought to be reserved for great crimes. The opinions of Natives ought however to be taken, and may be reckoned conclusive on subjects depending on feeling and on associations. In cases where the judge, though not satisfied of the guilt of the prisoner, is still less satisfied of his innocence, it seems imprudent to turn him loose to prey on Society, and yet it is difficult to say on what grounds to detain him: are we to award a less severe and more remediable punishment; or are we to declare the prisoner innocent; but imprison him if he cannot give security. The former seems to strike at the foundations of justice; and the latter destroys the force of example; means might perhaps be found to manage the imprisonment of suspected persons in such a manner as to preserve the distinction between their treatment and that of convicts. Their place of confinement might be more like a work house than a prison. They might be taught trades, and allowed the fruit of their own industry, either in cloths and food at the time, or in a sum of money to be given at their release. Mr. BRUCE, the judge of Bellary, has long since introduced the manufacture of blankets and some other articles into his jail,

and

and all the paper used in the neighbouring Cutcheries is the work of his convicts. A place might be constructed for their residence which might combine the plan so much recommended by Mr. Bentham, with the economical arrangement suggested in Bengal, a circular or octagon wall, with an open arcade or tiled Veranda to run all round inside, deep enough to afford shelter, and deep enough for concealment; this Veranda to be partitioned off into cells, with walls, and to be shut in with an iron grating or a deep ditch in front, to prevent the prisoners meeting in the open space in the middle. Each cell might contain from 2 to 8 Prisoners, who would thus be cut off from the corruption that is always found in crowded prisons, and a wall across the middle of the Court might make a still more complete division, so as to admit the convicts, if necessary, into the same enclosure. In the centre should be a circular building for the Jailor, from which he might see into every cell in both Courts, while he himself was concealed by blinds. Frequent visits from the European Authorities would be sufficient to complete the supervision. Persons less suspected might be consigned to the care and responsibility of the Patails of their villages, on the plan practised by Mr. Bayley at Burdwan; and there are cases where wandering and thievish tribes might be seized and compelled on pain of imprisonment to reside in particular Villages, according to the plan recommended by General Munro, in his letter on the Police of the ceded Districts.

It is to be observed in respect to the confinement of suspected persons, that the practice is much less objectionable towards particular casts than others. Some avow that they were born and bred robbers, and that it was the intention of Providence that they should remain so. Surely Society is entitled to take measures against men who set out with so open a declaration.

These are all the suggestions that occur to me, except that the powers of the Mamlutdar should be augmented, to allow his punishing petty frays which ought never to go beyond the Pergunnah, and that the Patail should be permitted to exercise a similar authority to the very limited extent that is requisite to keep up his influence in his Village.

Moral Character of the people.

I may here say something of the moral character of the people. Falsehood in all shapes pervades all ranks, and adultery and prostitution are common in the upper classes; but in them alone. Drunkenness, the peculiar vice of the lower orders, is almost unknown in the Mahratta country, which has thence a decided superiority in morals over the old Provinces. It arises from the discouragement to the sale of Spirituous Liquors, and as the revenue from that source is insignificant, we should probably do well to prohibit it altogether. Public opinion, and above all, the opinion of the cast, and the dread of expulsion, are the restraint on vices. These powers are, in the Marratta country, in the hands of the whole cast. In the Carnatic there are regular censors to each cast, called Gunnacharies, besides religious Gooroos invested with great power. But these institutions are converted into the means of gain, and the morals of the people are there decidedly worse than in the Marratta country. The other vices are not more rare, and Drunkenness is common in addition.

Improvements recommended in Education.

I do not perceive any thing that we can do to improve the morals of the people except by improving their education. There are already Schools in all Towns, and in many villages, but reading is confined to Bramins, Banyans, and such of the agricultural classes as have to do with accounts. I am not sure that our establishing Free Schools would alter this state of things, and it might create a suspicion of some concealed design on our part. It would be more practicable and more useful to

to give a direction to the reading of those who do learn, of which the press affords so easily the means.

Books are scarce, and the common ones probably ill chosen; but there exist in the Hindoo languages many tales and fables that would be generally read, and that would circulate sound morals. There must be religious books tending more directly to the same end. If many of these were printed and distributed cheaply or gratuitously, the effect would without doubt be great and beneficial. It would however, be indispensible that they should be purely Hindoo. We might silently omit all precepts of questionable morality, but the slightest infusion of religious controversy would secure the failure of the design. It would be better to call the prejudices of the Hindoos to our aid in reforming them, and to control their vices by the ties of Religion, which are stronger than those of Law. By maintaining and purifying their present tenets, at the same time that we enlighten their understandings, we shall bring them nearer to that standard of perfection at which all concur in desiring that they should arrive; while any attack on their faith, if successful, might be expected in theory as is found in practice, to shake their reverence for all religion, and to set them free from those useful restraints which even a superstitious doctrine imposes on the passions.

In my Letter No. 78, I proposed that 2,00,000 of Rupees should be set aside for religious expences, including two Colleges. The large religious expences that fall on the net Revenue in the Districts, induces me to alter this suggestion, and to propose modifying an expenditure which is already directed to an object of this nature, in such a manner as to render it more useful. There was in the Paishwa's time an annual distribution of Charity called the Dhukna, which used to cost 5 Lacks of Rupees.

Rupees. The plan was originally, to give prizes to learned Bramins; but as a handsome sum was given to every claimant, however ignorant, to pay his expences, the institution degenerated into a mere giving of alms. The abolition of this practice was extremely unpopular, but the sum was too enormous to waste, I therefore did it away, all but the original distribution of prizes, which cost last year 50,000 Rupees. This expenditure must still be kept up, but most of the prizes, instead of being conferred on proficients in Hindoo Divinity, might be allotted to those most skilled in more useful branches of Learning, Law, Mathematics, &c. and a certain number of professors might be appointed to teach those sciences. These means, with the circulation of a few well-chosen books, such as I believe are now printed at Calcutta, would have a better and more extensive effect than a regular College, and would cost much less to the Government. I shall therefore avail myself of the permission formerly given to me, and put such an establishment in train.

CIVIL JUSTICE.

Marratta System of Civil Justice.

It is necessary to examine the Native System of Civil Justice with attention, and ascertain its success in affording protection to men's rights. If this should prove even moderate, it will scarcely be thought advisable to attempt any alterations; but, if the plan be found inadequate to the end required, it will be necessary to see, whether any alterations can be introduced to render it more efficient without changing its fundamental principles, or whether it is necessary to set it aside altogether, and to introduce a new system in its room.

By whom administered.

The authorities by whom Civil Justice was administered were the following: In the Country, the Patail, over him the Mamlutdar, and Sursoobedars; and, above all, the Paishwa or his Minister. Jageerdars administered

tered Justice in their own Lands; the great ones with little or no interference on the part of the Government. In some Towns there was a judicial Officer, called the Nyaee Daish, who tried causes under the PAISHWA's authority, and any person whom the PAISHWA pleased to authorize, might conduct an investigation, subject to His Highness's confirmation.

If a complaint was made to a Patail, he would send for the person complained of, and if he admitted the debt, would interfere partly as a friend to settle the mode and time of payment. If the debt were disputed, and he and his Coolcurnee could not by their own influence or sagacity effect a settlement to the satisfaction of both parties, the Patail assembled a Punchayet of inhabitants of the Village, who enquired into the matter with very little form, and decided as they thought best; but this decision could not take place without the previous consent of the parties.

If the complainant were refused a Punchayet, or disapproved of the decision, or if he thought proper not to apply to the Patail, he went to the Mamlutdar, who proceeded nearly in the same manner as the Patail, with this addition that he could compel the party complained of to submit to a Punchayet, or else make satisfaction to the complainant. When there was a Sirsoobehdar the same process might be repeated with him or at Court, but in all this there was no regular appeal: the superior authority would not revise the decision of the inferior, unless there had been some gross injustice or reason to suspect corruption: in cases of less purity, that is, in almost all cases, the superior was influenced in receiving the appeal by the consideration of the profit promised as a compensation for the trouble.

Though the Government Officer endeavored himself to settle the dispute, and though it rested with him to decide whether or not the case required a Punchayet, yet it was reckoned gross injustice to refuse one on a question at all doubtful, and it was always reckoned a sufficient ground for ordering a new investigation when there had been no Punchayet.

Punchayet

The Punchayet may therefore be considered as the great instrument in the administration of Justice, and it is of consequence to determine how the assembly was constituted, what were its powers, and what its method of proceeding, and enforcing or procuring the enforcement of its decrees.

The Members of a Punchayet were generally selected by the Officer of Government, by whom it was granted with the approbation of the parties, and often at their suggestion; sometimes the parties chose an equal number each, and the Officer named an Umpire. A person on the part of Government not unfrequently presided at Punchayets, especially at Poona, and directed their operations; this Officer must, however, be objectionable to the parties. In affairs where Government was concerned, it ordered some of its own Officers to investigate the matter, but they were expected to be people not objected to by the other party. The Members were people of the same situation in life as the parties, or people likely to understand the subject in discussion; as Bankers in a matter of Account; Daismooks and Daispandies, when the suit was about Land. Their number was never less than five, but it has been known to be as great as fifty. The number was required to be odd. It generally met at the house of the Officer who summoned it.

In Villages the Patail got some of the most intelligent and impartial Ryots to sit under a tree, or in the Temple,

or

of Choultry; nobody attended on the part of the Government, and as the submission of the parties was voluntary, their wishes were of course more attended to than elsewhere. The consent of the Members, however, was every where reckoned essential to a Punchayet, and the first act of the meeting was to take a Razeenamah, or acknowledgment of such a consent. Security was also not unfrequently taken for the parties complying with the award of the Punchayet. In petty disputes in Villages, the parties gave two straws in token of submission, instead of a written Razeenamah.

It might be expected that so burdensome a duty would not be willingly undertaken, especially as there was no authorized fee to be gained by it; but besides the compliment of being selected by the parties, there was the hope of presents from one or both, which it was not disgraceful to take unless to promote injustice. The parties likewise entreated the persons they wished to accept the office, and the Officer of Government added his authority. It was moreover reckoned disgracefully selfish to refuse to serve on a Punchayet, and as the man who was asked to be a Member to-day, might be a suitor to-morrow, he was obliged to afford the assistance which he was likely to require. It was rare therefore for people to refuse to serve, unless they had a good excuse.

It was more difficult to procure their regular attendance when appointed, and this was generally effected by the entreaties of the party interested. The Magistrate also sent Peons and injunctions to compel the presence of a person, who had once agreed to become a Member; and although he would receive a reasonable excuse, yet if he were really anxious for the speedy decision of the cause, he seldom failed in procuring attendance; besides there was no precision about the number of Members required to attend, as long as the parties were satisfied, all

was

was thought to be regular enough; when an absent Member returned, the past proceedings could be explained to him, and any further enquiry he desired carried on.

When the Punchayet was assembled, if the defendant failed to attend, the Punchayet applied to the Officer under whose authority it sat to summon him, unless a Carcoon or a Peon had already been attached to it to perform such duties on the part of the Government; or the plaintiff by constant demands and other modes of importunity wearied him into a submission. When the Officer of Government had to compel his attendance, he sent a Summons, or if that failed, placed a Peon over him, whom he was obliged to maintain, and imposed a fine of a certain sum a day till he appeared. The plaintiff's complaint was then read and the defendant's answer received; a replication and a rejoinder were sometimes added, and the parties were cross-questioned by the Punchayet as long as they thought it necessary; at that time the parties were kept at a distance from their friends; but afterwards they might assist them as much as they chose. A man might, if it were inconvenient for him to attend, send a Carcoon in his service, or a relation; but, the trade of a Vakeel is not known: accounts and other written evidence were called for after the examination of the parties, and likewise oral evidence when written failed; but a great preference was given to the evidence of written documents. The witnesses seem to have been examined and cross-examined with great care, but the substance only of their evidence was taken down briefly without the questions, and generally in their own hand if they could write. The natives have not the same deference for testimony that we have; they allow a witness no more credit than his situation and character and connection with the case entitle him to; they also lay great stress on his manner and appearance while giving his testimony. Oaths were seldom

imposed,

imposed, unless there were reason to suspect the veracity of the witness, and then great pains were taken to make them solemn.

When this examination was concluded, the Punchayet, after debating on the case, drew up an award (which was termed Sarounsh or Summary) in which they gave the substance of the complaint and answer; an abstract of each of the documents presented on either side; a Summary of the oral evidence on either side, with their own decision on the whole. A copy of the award was given to the successful party, and to the loser, if he required it;—another copy was deposited with the Officer of Government. In Villages there was much less form; the Punchayet was often conducted in the way of conversation, and nothing was written but the decision, and sometimes not even that. In important cases, however, all the usual writing was performed by the Coolcurnee.

Throughout the whole proceedings the Punchayets appear to have been guided by their own notions of Justice, founded no doubt on the Hindoo Law, and modified by the custom of the country. They consulted no books, and it was only on particular points immediately connected with the Hindoo Law, such as Marriage or succession, that they referred to a Shastery for his opinion.

On the report of the Punchayet, the Officer of Government proceeded to confirm and enforce its decree: the Punchayet having no executive powers of its own. From this cause frequent references to the Magistrate were required, and he was given a considerable influence on the progress of the trial.

If either party objected at this stage, and showed good reasons why

the award should be set aside, the Officer under whose authority it sat, might require it to revise its sentence, or even grant a new Punchayet, but this was not reckoned proper, unless corruption were strongly suspected.

No other notice was taken of corruption, unless in such cases the decision of a Punchayet was always respected, as the proverbial expression of Punch Prumaishur, (A Punchayet is God Almighty) fully testifies.

Even after an award was confirmed, an appeal lay to a higher authority; and a new Punchayet might be granted; even a new Mamlutdar might revise the proceedings under his predecessor; this was probably a stretch of power; but every thing under the Marrattas was so irregular and arbitrary, that the limits of just authority can with difficulty be traced.

In enforcing the decision, much of course depended on the power of the Magistrate.—If a Patail found the party who gained the cause could not recover his due by the modes of private compulsion, hereafter described, he applied to the Mamlutdar to interpose his authority, and in cases where that was insufficient, the Mamlutdar applied to the Government.

It was in this manner that ordinary disputes were settled. Those about boundaries, which are extremely frequent, (except in Candeish) were settled by a Punchayet, composed of Daishmooks, Daispandies, Patails, and Coolcurnees, assisted by the Mahrs of the disputing Villages, who are the established guardians of land marks and boundaries. They are also very frequently adjusted by ordeal, one mode of which is for the Patail to walk along the disputed boundary, bearing on his head a clod composed

sed of the soil of both Villages kneaded up with various strange ingredients, and consecrated by many superstitious ceremonies; if it hold together, the justice of his claims is established, and if it break, he loses his cause. Many other sorts of ordeal are also performed with boiling oil, or by taking an oath and imprecating certain curses if it should be false. If no evil occur within a fixed time, the gods are conceived to have decided in the swearer's favour.

These Ordeals were not uncommon in all cases, as well as in boundary disputes, but chiefly when other means of ascertaining the truth had failed.

Disputes about Cast were settled by the Cast, unless when a complaint of unjust expulsion took place, when the Government ordered a Punchayet of respectable persons of the Cast from an unprejudiced part of the country.

Punchayets, — how assembled and their decisions how enforced.

As it has been shown that Punchayets had no powers of their own, and were moreover somewhat inert, it is necessary to examine the Machinery by which they were kept in motion, and their resolutions carried into effect. It has been observed that in the country the Mamlutdars, and the Patails under their authority, performed that duty. In some few towns there also were officers of Justice called Nyaeedaish. The proceedings of all these officers were of course very irregular, but the model may be learned by observing the proceedings of the Nyaeedaish at Poona during the long period when RAM SHASTREE was at the head of that court, and when NANA FURNAVEES was Minister and Regent. This was confessedly the period when the Marratta Government was in the highest perfection, and RAM SHASTREE is to this day celebrated for his talents and integrity.

Exemplified in the Nyaeedaish at Poona

grity. A full account of that Court is given by Mr. LUMSDEN in his report of January 24th, from which much of what follows is extracted. RAM SHASTREE had several Deputies, two of whom were almost as famous as himself, and it was by their assistance chiefly that his business was conducted.

On receiving a complaint, a Peon or a Carcoon from RAM SHASTREE or from NANA FURNAVEES, according to the consequence of the person, was sent to summon or to invite him to attend at RAM SHASTREE'S. If this were refused, positive orders were repeated by NANA FURNAVEES, and in the event of obstinate non-attendance, the house or lands of the Defendant would be sequestrated till he appeared.

In case of non-appearance from absence, trial, after many indulgent delays, went on, and the absence of the party was recorded, that he might have a new trial on his return, if he accounted for his absence: in cases of land, no decision was final in a man's absence. Evidence was summoned in the same form as the Defendant, and if the witness were poor, the person who summoned him paid his expences. If the witness lived at a distance, or if attendance were inconvenient, a deputation from the Court with some person from the parties was sent to take his evidence, and the Mamlutdar gave his aid to the process; or if the witness lived very far off, a letter was written requesting him to state the facts required. When the witness was a man of rank, a deputation would be sent to him from the Government, accompanied by parties who went as supplicants for his aid, rather than as checks on his misstatement, and he was solicited to relate what he knew, which was repeated in the Court. Even if the witness were not of such rank as to prevent his coming to the Court, still, if he were a man of any consequence, he was received as a visitor, and the questions were put to him

in

in the way of conversation, and with all the usual forms of civility.

When persons of this character were the Defendants, instead of summoning them to the Nyaeedaish, a letter was written by NANA FURNAVEES desiring them to settle the Complaint. If this did not succeed, the Vakeel was spoken to; and ultimately they experienced the displeasure of Government, or part of their land was made over to the creditor. Generally, however, great favor was shown to men of rank. If the Plaintiff was also a man of rank, a Punchayet of men of the same condition would be appointed, if all other means failed. One of the enclosed Translations (No. 19) is an award in a case where the ancestors of JUAN ROW NIMBALKUR, a Jageerdar of the highest rank, were the parties.

The proceedings were much the same as those I have already mentioned to have been practised in the districts, but more was done in writing than elsewhere. To give a clear idea of the manner in which Punchayets proceeded, I have the honor to enclose the award of one conducted under the superintendence of RAM SHASTREE (No. 20,) and decision in a simple case of the present day (No. 21.)

The Punchayets were more frequently named by the parties than the Judge, but RAM SHASTREE and his Deputies seem frequently to have presided at the trial, the Punchayet performing nearly the same functions as a Jury in England. A good deal of the investigation seems to have been entrusted to RAM SHASTREE's Carcoons, who reported to him and the Punchayet, and in the decree the names of the Members of the Punchayet are not mentioned, even when it is merely a repetition of their award. The decision was always in the PAISHWA's name, and in all cases of magnitude required his signature: all cases relating to land were of this description,

X and

and the same holds all over the country, where claims to land are considered more immediately under the superintendence of Government. It was not unusual, in the country as well as in Poona, for a Government officer to receive the complaint and answer with the documents, and the written evidence of witnesses, and lay the whole in this shape before the Punchayet, who could call for more evidence, if they required it. Much time must have been saved by this arrangement, but it gave the officer of Government considerable opportunities of imposing on the Punchayet. The Members of the Punchayet received no fee, but when they had much trouble, the winner of the suit made them openly a present for their pains.

A sum of money was likewise levied for the Government from the winner, under the name of Kerkee, which I believe means congratulatory offering, and from the loser, under the name of Gonagharry, or Fine. These Gonagharries varied with the means of litigants, but in Revenue Accounts, I observe, that one fourth of the property is always put down as the price paid for justice by the Plaintiff, when he wins his cause.

The Plaintiff losing his cause, was obliged to pay the expenses of the Defendant, if the latter were poor.

No regular monthly or other returns of Causes decided were made out.

When a cause was decided against the Defendant, the Court settled the mode of payment with reference to his circumstances, either ordering immediate payment, or directing payment by instalments, or granting the debtor, if entirely destitute of the means of payment, an exemption from the demands of his creditor for a certain number of years.

When a matter had once come to a trial, it was always expected that Government

Government should enforce the decision; but with the irregularity so characteristic of the Marrattas, the Plaintiff was often permitted to enforce them himself, and this was effected by means of the system called Tukkazza, which, though it strictly means only Dunning, is here employed for every thing from simple importunity up to placing a guard over a man, preventing his eating, tying him neck and heels, or making him stand on one leg with a heavy stone on his head under a vertical sun.

It is remarkable that in all claims (except for land) when the Plaintiff has the power, this Tukkazza is the first step in the suit, and it is not until the person who suffers by it complains of excessive or unjust Tukkazza that the Government takes any concern in the cause. This in some measure accounts for the ready acquiescence of defendants in the nomination of Punchayets, &c. and it is indeed employed intentionally as a means of accomplishing that end. When Government enforced the debt, it used nearly the same severities as individuals; it also seized and sold the property of the debtor, but generally spared his house, and took care not to reduce him entirely to ruin. It likewise often fixed instalments, by which his debt was gradually to be liquidated.

People were never put in any public prison for private debt, though sometimes confined or tormented by the creditor at his house, or in that of his patron, and in rare cases, when agreed on in the bond, made to serve him till the amount of their nominal wages equalled that of the debt.

Fair Bankrupts seem to have been let off pretty nearly as with us; Fraudulent ones were made to pay when discovered, notwithstanding previous release.

The

The great subjects of litigation are stated in the replies of the local officers to my queries to be: Boundary disputes; division of property on the separation of families; inheritance to Land, which is perhaps the greatest source of litigation throughout the whole country, even in Candeish, where waste land is so abundant. Debts to bankers are also frequently subjects for suits.

Defects and Abuses of the System.

The Judicial system which has just been described, is evidently liable to great objections, and accordingly in the best of times its success seems to have been very imperfect. There was no regular administration of Justice; no certain means of filing a suit; and no fixed rules of proceeding after it had been filed. It rested with the officer of Government applied to, to receive a complaint or to neglect it altogether. The reception of an appeal from his injustice equally depended on the arbitrary will of his superior. The other occupations of these officers rendered it difficult for them to attend to Judicial affairs, even if well disposed, and these occupations increasing with the rank of the officer, the Paishwa (or the Minister) who was the main spring of the whole machine, must have been nearly inaccessible to all men, and entirely so to the poor. The power of the local officer must also have had a tendency to check appeals, and even to restrain the demand for Punchayets, in cases where he was desirous of deciding in person; and this desire would chiefly be felt in cases where he had an inclination to befriend one party, or where he hoped to make something by selling his favor to both. In short, there can be little doubt of the difficulty of getting justice, unless by means of bribery or of powerful friends.

The Punchayets themselves were open to corruption and to partiality, and when free from those stains, they were still slow and feeble in their motions,

motions and uncertain in their resolutions. When the Punchayet was assembled, which from its interference with the pursuits and interests of the Members must have been a matter of difficult and rare occurrence, it had not sufficient powers to seize the defendant, to summon the witnesses, or to compel the production of documents; in the event of any opposition it must apply to the officer of Government, and thus, besides unavoidable delay, it was exposed to constant obstruction from his indolence and want of leisure, and even from his corruption. If a deputy of the Government officer sat with it to execute those duties, it was still liable to be obstructed from corruption, and was besides exposed to the influence of the Carcoon, who presided. When it had got possession of the evidence, the Members were not calculated to decide on nice or intricate causes, and if they were perplexed, they met without coming to a decision, or allowed the matter to lie over until some circumstance prevented the necessity of meeting any more. Very great delay took place from these causes, and trials were often left entirely unfinished. When Members were chosen by the parties and interested in their cause, they were rather advocates than judges, and their disputes produced as much delay as the neglect of the others. When they were impartial, they were indifferent and irresolute, unless some Member, and very likely one who was stimulated into activity by a bribe, took the trouble of deciding off the hands of his colleagues, and procured their consent to a decision of his own. When their award was signed, the Punchayet dissolved, and their decree remained with the local officer to enforce or neglect as he chose.—Where so much was left arbitrary, there was of course much corruption, and it is very frequent now to have a complaint from a man who has a decision of old standing (even from the Neyaeedaish at Poona) which he has not been able to get enforced. Even when

the decree of a Punchayet was past and executed, one would think it must, from the way in which the assembly was constituted, have had little good effect beyond the case it had tried, for as there was no written law, and as Punchayets were composed of men of different habits and condition, their awards must be supposed to have varied so as to afford no great certainty before hand as to the decision to which any Punchayet would come, and this uncertainty must have led unceasingly to new litigation. All accounts, it must be owned, agree in representing the knowledge of the common people in the customary law of their Country, and consequently the uniformity of their decisions when formed into Punchayets is far beyond what could be expected; but the inconvenience alluded to must still to a certain extent have existed. The want of principle in the rulers was another cause of uncertainty and litigation. No decision was final; a new Mamlutdar or a new Minister might take up a cause his Predecessor had decided; the same man might revise his own decisions from corrupt motives, and there was as much difficulty in being exempt from an unjust revision, as it has already been shown there was in obtaining a just one.

If this were the state of things under NANA FURNAVEES, it was doubtless worse under BAJEE ROW. The Farming System made over each District to the highest bidder, who was generally the most unprincipled man about the Court, and as full support was requisite to enable him to pay his Revenue, it consigned the people to his oppression without a remedy. The farmer's whole time and thoughts were occupied in realizing his Revenue. Justice was openly sold, and except as a marketable commodity, it was never thought of. The party in the wrong could always by a bribe prevent his cause going to a Punchayet, or overturn the decision of one. An appeal lay from the under farmer to the upper, whose

whose income depended on the exactions of the authorities below him, and from him to the Minister, who never received a complaint without a present, or to the Paishwa, who never received one at all. In consequence the Government afforded little justice to the rich, and none to the poor.

Correctives of these Defects and Abuses.

But with all these defects the Marratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect Government. There must therefore have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who are most out of reach of their rulers, and most apt to be neglected under all Governments. By means of the Punchayet they were enabled to effect a tolerable dispensation of Justice among themselves, and it happens that most of the objections above stated to that institution do not apply in their case.

A Patail was restrained from exercising oppression, both by the fear of the Mamlutdar and by the inconvenience of offending the society in which he lived, and when both parties were disposed to a Punchayet, he had no interest in refusing his assistance to assemble one. A Punchayet can scarcely be perplexed in the simple causes that arise under its own eyes, nor can it easily give a corrupt decision when all the neighbours know the merits of the case. Defendants, Witnesses and Members are all within the narrow compass of a Village, and where all are kept from earning their daily bread during the discussion, there is not likely to be much needless complaint or affected delay.

This

This branch of the Native system, therefore, is excellent for the settlement of the disputes of the Ryots among themselves, but it is of no use in protecting them from the oppression of their superiors, and it is evident that the plan of leaving the people to themselves could never have been sufficient for that purpose. But here another principle comes into operation. The whole of the Government Revenue being derived from the Ryot, it was the obvious interest of Government and its Agents to protect him, and prevent his being exposed to any exactions but their own. The exactions of Government were limited in good times by the conviction, that the best way to enrich itself was to spare the Ryots; and those of its Agents, by the common interest of Government, and the Ryots in restraining their depredations.—By these principles, while the Native Government was good, its Ryots were tolerably protected both from the injustice of their neighbours, and tyranny of their superiors, and that class is the most numerous, most important, and most deserving portion of the community.

It was in the class above this that the defects of the Judicial System were most felt, and even there they had some advantages. As the great fault of Government was its inertness, people were at least secure from its over activity. A Government Officer might be induced by a bribe to harass an individual under color of Justice, but he could not be compelled by the mere filing a petition to involve those under his jurisdiction in all the vexations of a Law Suit. Even when bribed, he could not do much more than harass the individual; for the right to demand a Punchayet was a bar to arbitrary decrees, and although he might reject or evade the demand, yet the frequent occurrence of a course so contrary to public opinion could not escape his superiors, if at all inclined to do justice.

The

The inertness of Government was counteracted by various expedients, which, though objectionable in themselves, supplied the place of better principles. These were private redress, patronage, and presents. The first occupies the same place in Civil Justice that private revenge does in criminal among still ruder nations. It is this which is called Tukkazza by the Marrattas, and which has already been mentioned as so important in bringing on a trial. If a man have a demand from his inferior or his equal, he places him under restraint, prevents his leaving his house or eating, and even compels him to sit in the sun until he comes to some accommodation. If the debtor were a superior, the creditors had first recourse to supplications and appeals to the honor and sense of shame of the other party: he laid himself on his threshold, threw himself on his road, clamored before his door, or he employed others to do all this for him: he would even sit down and fast before the debtor's door, during which time the other was compelled to fast also, or he would appeal to the Gods and invoke their curses upon the person by whom he was injured. It was a point of honor with the Natives not to disturb the authors of these importunities, so long as they were just, and some satisfaction was generally procured by means of them. If they were unjust, the party thus harassed naturally concurred with the Plaintiff in the wish for a Punchayet, and thus an object was obtained which might not have been gained from the indolence of the Magistrate. Similar means were employed to extort justice from the ruling power. Standing before the residence of the great man, assailing him with clamor, holding up a torch before him by day-light, pouring water without ceasing on the statues of the Gods; these extreme measures, when resorted to, seldom failed to obtain a hearing even under Bajee Row, and there was the still more powerful expedient both for recovering a debt or for obtaining justice, to get the whole cast, village, or trade, to join in

performing the above ceremonies until the demand of one of its Members were satisfied.

The next means of obtaining justice was by patronage. If a poor man had a master, a landlord, a great neighbour, or any great connection; or if he had a relation who had a similar claim on a great man; he could interest him in his favor, and procure his friendly intercession with the debtor; his application to the friends of the latter, or finally his interest with the public authority to obtain justice, for his client. This principle was not so oppressive as it seems at first sight, or as it must have been if it had been partial; for it was so extended that scarcely any man was without some guardian of his interests; both sides in a cause were thus brought nearly equal, and the effect of the interference of their patrons was to stimulate the system, which might otherwise have stood still.

If this resource failed, a present or the promise of a present to the public authority, or those who had weight with him, would be efficacious. The fee of one fourth of all property gained in law suits was in fact a standing bribe to invite the assistance of the Magistrate.

The number of persons who could grant Punchayets also expedited business. Besides the Nyaeedaish and the numerous Mamlutdars and Jageerdars, many people of consequence could hold Punchayets under the express or implied authority of the Paishwa, and every chief settled the disputes of his own retainers, whether among themselves or with others of the lower and middle classes. A great number of disputes were also settled by private arbitration; and their proceedings in the event of an appeal were treated by the Government with the same considerations as those of Punchayets held under its own authority.

Thus,

Thus, some sort of justice was obtained, and it was less impure than might be expected from the sources by which it was supplied, because public opinion and the authority of the Magistrate set bounds to Tukkazza, and the institution of Punchayets was a restraint on patronage and bribery.

The Punchayet itself, although in all but village causes it had the defects before ascribed to it, possessed many advantages. Though each might be slow, the number that could sit at a time even under the superintendence of one person, must have enabled them to decide many causes. The intimate acquaintance of the members with the subject in dispute, and in many cases with the characters of the parties, must have made their decisions frequently correct; and it was an advantage of incalculable value in that mode of trial that the judges, being drawn from the body of the people, could act on no principles that were not generally understood; a circumstance which by preventing uncertainty and obscurity in the law, struck at the very root of litigation. The liability of Punchayets to corruption was checked by the circumstance, that it did not so frequently happen to one man to be a member as to make venality very profitable, while the parties and the members being of his own class, he was much exposed to detection and loss of character: accordingly the Punchayet appear, even after the corrupt reign of BAJEE Row, to have retained in a great degree the confidence of the people, and they do not appear to have been unworthy of their good opinion. All the answers to my Queries (except those of the Collector of Ahmednugger) give them a very favorable character, and Mr. CHAPLIN in particular is of opinion that in most instances their statement of the evidence is succinct and clear, their reasoning on it solid and perspicuous, and their decision, in a plurality of cases, just and impartial.

Their

Their grand defect was procrastination, and to counteract it the suitors had recourse to the same remedies as with people in power, importunity, intercession of patrons, and sometimes no doubt to promises, fees, and bribes.

General Result.

It is impossible to form very clear notions on the general result of this administration, either as to its dispatch of causes, the degree of justice actually administered by it, or its effect on the character of the people ; but I should conjecture that simple causes were speedily decided, and complicated ones very slowly. The Nyaeedaish principally tried the latter description, and in 20 years it filed less than 1400 causes, of which it is believed that one half were never decided. Punchayets appear generally to have given just decisions, but men in power could obstruct a reference to those assemblies, and could prevent the execution of their decrees. That justice was often denied, or injustice committed, appears from the frequency of Thullee, which is a term for Robbery, Arson, and even Murder committed, to oblige a Village or Government Officer to satisfy the claims of the perpetrator. This crime is commonest to the Southward of the Kisna, but murders on account of disputes about landed property are every where frequent. With regard to its effect on the character of the people, the Ryots seem in most respeets simple and honest, but there is no regard for truth or respect for an oath throughout the whole community ; and forgery, intrigue and deceit are carried to the highest pitch among the Patails, Coolcurnees, and all who have much opportunity of practising those iniquities. There is no punishment for Perjury or Forgery. In the annexed award of a Punchayet, No 2, it appears that 33 persons entered into an engagement to swear to any thing that one of the parties might dictate, and for this complicated offence they were mildly reprimanded by the Nyaeedaish. Litigiousness does not

not seem to have been at all prevalent, unless the obstinacy with which people adhered to any claims to landed property can be brought under that head.

Comparison of the advantages of the Native plan with those of the Adawlut.

Such are the advantages and disadvantages of the Native Administration of justice, which are to be weighed against those of the plan adopted in our Provinces. If we were obliged to take them as they stood under the Native Government, the scale would probably soon be turned; but as it is possible to invigorate the system and to remove its worst abuses, the question is not so easily decided. The most striking advantages in our plan appear to be, that the laws are fixed, and that as means are taken to promulgate them, they may be known to every one. That the decisions of the Adawlut, being always on fixed principles, may alwaysbe foreseen; that there is a regular and certain mode of obtaining redress; that the decision on each separate case is more speedy than in any Native Court; and that it is more certain of being enforced: that justice may be obtained by means of the Adawlut even from officers of Government, or from Government itself: that the judges are pure, and their purity and correctness are guarded by appeals; and that the whole system is steady and uniform, and is not liable to be biassed in its motions by fear or affection, policy, or respect.

On the other hand it appears, that although the Regulations are promulgated, yet as they are entirely new to the people of India, a long time must pass before they can be generally known; and as both they and the decisions of the Court are founded on European notions, a still longer period must elapse before their principles can be at all understood; that this obscurity of itself throws all questions relating to property into

doubt, and produces litigation, which is further promoted by the existence of a class of men rendered necessary by the numerous technical difficulties of our law, whose subsistence depends on the abundance of law suits: that by these means an accumulation of suits takes place which renders the speedy decision of the Adawlut of no avail: that the facility given to appeals takes away from the advantage of its vigor in enforcing decrees, and renders it on the whole in many cases more feeble and dilatory than even the Punchayet, while in others it acts with a sternness and indifference to rank and circumstances very grating to the feelings of the Natives: that its control over the public officers lessens their power without removing the principle of despotism in the Government, or the habits engendered by that principle in the people, and that by weakening one part of the machine without altering the rest, it produced derangement and confusion throughout the whole; that the remoteness of the Adawlut prevents the access of the common people, and that if Moonsiffs with fees, Vakeels, &c. be adopted to remedy this evil, they are not exempt from the corruption of the Native system, while they occasion in a remarkable degree the litigious spirit peculiar to ours.

This view of the Adawlut is taken from the reports drawn up in Bengal, and it is possible that many of the defects described may originate in the Revenue system, in the voluminousness of the Regulations, or in other extrinsic circumstances; a supposition which appears to be supported by the state of the Courts under Bombay, where most of the evils alluded to are said to be still unfelt, but enough will remain to satisfy us that the chance of attaining or approaching to perfection is as small under our own plan as under that of the Natives; that on either plan we must submit to many inconveniencies and many abuses, and that no very sudden

den improvement is to be looked for in the actual state of things. If this be the case, it becomes of the first consequence to cherish whatever there is good in the existing system, and to attempt no innovation that can injure the principles now in force, since it is so uncertain whether we can introduce better in their room.

I propose therefore that the Native system should still be preserved, and means taken to remove its abuses and revive its energy. Such a course will be more welcome to the Natives than any entire change, and if it should fail entirely it is never too late to introduce the Adawlut.

Improvements suggested in the Maratta system.

It is now however practicable for us to keep up the Native plan entirely unchanged. In removing abuses we destroy the moving powers of Tukkazza, Patronage and Presents, and we must look out for others to supply their place. For this purpose we may hope to have more purity, more steadiness, and more energy than the Native Government; and I think we can scarcely fail to place the people in a better situation with respect to justice than that in which we found them. Such a change in the mere administration of the law will probably in time improve the character of our subjects, and admit of a gradual improvement in their radical principles; but it seems desirable that such improvement should be so slow as to allow the amelioration of the society to keep pace with that of the laws, and thus escape the evil of having a code unsuitable to the circumstances of the people and beyond the reach of their understanding.

Our principal instrument must continue to be the Punchayet, and that must continue to be exempt from all new forms, interference and regulation on our part. Such forms would throw over this well-known institution that mystery which enables litigious people to employ Courts of Justice

tice as engines of intimidation against their neighbours, and which renders necessary a class of lawyers, who among the Natives are the great fomenters of disputes.

Another objection to forms is, that they would deter the most respectable people from serving on Punchayets. The indolence of the Natives, their aversion to form and restraint, their hatred of novelties and their dread of getting into difficulties in an unknown course of proceeding, and thus exposing themselves to our supposed strictness, would be sufficient to prevent any honest Patail from calling a Punchayet, or any disinterested inhabitant from serving as a member; but it is only the honest who would be thus deterred, those who looked to profit through fraud, would run a little risk in pursuit of their selfish designs, and would study our new laws so as to qualify themselves to evade them.

The Patail should be encouraged as at present to settle disputes amicably if he can, and otherwise to refer them to Punchayets on the old model.

No papers should be required from those bodies but a Razeenameh, (or consent by the parties to the arbitration of the members,) and a Saronush (or decision) as concise as they chuse to make it. When these two papers can be produced, the decision should be final, unless in case of corruption or gross injustice. When those papers are wanting, the cause must be considered as still liable to investigation, but no censure is to be passed on the Punchayet for failing to produce them. When a Patail refuses to grant a Punchayet, the Mamlutdar may on complaint direct him to afford one, and if either party object to a Punchayet in his own village, the Mamlutdar shall be at liberty to order one at his own residence.

residence, or at any other village, as I believe was practised by the Marratta Government. But unless both parties give their free consent to the arrangement proposed by the Mamlutdar, that Officer must report the case to the Collector, and await his orders.

Appeals from Village Punchayets should be made to the Collector, who, if he thinks the Punchayet has not been freely chosen, or that it has not fully decided; or if on a summary enquiry he discovers any gross error or injustice, or sees good ground to suspect corruption, may order a new Punchayet, either at the original Village, or elsewhere. In this enquiry the Collector can of course direct the Mamlutdar to make any local investigation that may be necessary, and he can employ his assistant, or an Ameen, either in conducting the summary enquiry, or in superintending the second Punchayet; but he ought on no account to go into an enquiry in any ordinary case, merely because the Punchayet appear to him to have decided erroneously; the object of this appeal being rather to watch over the purity of the Courts than to amend their decisions. The appeal ought to be to the Collector rather than to the Mamlutdar, to prevent that officer either quashing complaints, or needlessly drawing up causes from the Village tribunals to his own.

These rules will provide for the adjustment of disputes among Villagers, but there are many mercantile and other persons who reside in Towns, and are not subject to the authority of any Patail. For these persons another plan must be adopted. When they belong to trades, the Shaitee, or head of the trade, may perform the functions performed by the Patail, in summoning a Punchayet with the consent of the parties, and when these means are insufficient, a complaint may be made to the Mamlutdar,

who, if he cannot accommodate the matter either by his own interposition, or a Punchayet agreed to by both parties, must report it to the Collector, who will authorize a Punchayet of persons of the same order. When the parties leave the nomination of these Punchayets to the Mamlutdar or other Officer of Government, he cannot be too careful to select the members so as to make attendance as little onerous as possible. Persons unemployed ought to be preferred to men in business, and the whole to be managed as much on the principle of rotation, as the disposition of the parties may admit. The objection of the parties to any member ought however to be always attended to, and if they shew a disinclination to the persons proposed by the Government Agent, they ought to be allowed to name four respectable people themselves, who ought to chuse a fifth as an Umpire. If the members cannot agree, the Umpire must be named by the Government Officer.

In very large towns the superintendence of these Punchayets may be too much for the Mamlutdar to undertake, and it will therefore be found necessary to nominate officers (to be called Ameens, or whatever name has hitherto been in use among the Marrattas,) expressly for the administration of justice. There might be one to every Mamlutdar's District, or one to every two; but it ought first to be tried whether the Mamlutdars are sufficient to keep down the business, as the institution of so many dispensers of Justice besides the Revenue Officers, will certainly be new, and its effects on the Punchayets and on the people cannot be clearly foreseen. Some means must however be found out to make up, in Poona especially, for the numerous Chiefs and Ministers who formerly used to assemble Punchayets. For this purpose I think there ought to be three Native Judges at Poona, with Salaries amounting to 200 Rupees each, and

and three of inferior rank, with inferior salaries, who should receive complaints referred to them by the Collector, and submit them to Punchayets, or decide them themselves, when both parties consented to that mode of adjustment.

In such cases as the Collector should expressly prescribe, causes to be tried by Punchayets might be shaped by the Ameen in such a manner that the pleadings, documents and evidence might all be brought at once before the Punchayet, and the cause decided at one sitting, unless the Punchayet should call for more information.

In causes decided by the Ameen alone, an appeal should lie to the Collector, who might always or on all reasonable grounds order a Punchayet to try the case anew. The higher class of Ameens might try causes to any amount, but the second class should be limited to 200 Rupees. The Collector might in all cases call up such causes as he thought of great importance, to be tried before him, or his assistants. The Shasteree to each Collector might be an Ameen, and might receive an addition to his Salary on that account.

In each of the large towns, perhaps two in each District besides Poona, there might be an Ameen with powers only to grant Punchayets when agreed to by both parties, and to settle such causes as the parties might agree in writing to refer to his decision; but wherever there was a dispute about the mode of trial, he ought to take the orders of the Collector.

The Ameens in the towns might have 150 Rupees a month, and all the Ameens might have a certain addition to their Salary for every 20 causes decided

decided by them, or by Punchayets under their direction. The expence might be defrayed from fines hereafter to be mentioned, but the connection between their allowances and the fund from which they are drawn ought not to be apparent to the Ameen.

To complete the administration of Justice references might be made on all doubtful questions of Hindoo law to the principal Shasterees, who receive Pensions or Wurshashuns. The selection in each reference might be left to the Commissioner, as was the practice with the Natives, or a small addition might be made to the Salary of a certain number, who might be constituted regular authorities to decide on points of law.

Appeals ought to be received from the Ameens on the principle above mentioned, and in the same manner the Commissioner should receive special appeals from the Collectors, not with a view to revise their decisions on each case, but to give him an opportunity of ascertaining that his instructions are acted up to, and that the Custom of the Country is not departed from.

It is chiefly by this superintendence that we can hope to purify and invigorate the Native System, so as to convert it from a mere engine of oppression into an instrument for a more extensive dispensation of Justice than exists even in our own old Provinces.

It is indispensable on this principle that the Collector should give audience for at least two hours every day to all ranks, receive Complaints *vivâ voce*, and grant decisions and orders on Mamlutdars as the cases require. If he confine himself to receiving petitions in writing, it

is

is impossible that he should have time to become acquainted with the state of things in his District. This practice, combined with the Collector's tours round his District, ought to be a great check on the Mamlutdars, and those Officers ought likewise to be obliged to answer speedily and fully every complaint made against them, or reference sent to them. The great indulgence and forbearance recommended towards Punchayets and Patails should have no place towards Mamlutdars, on whose purity and efficiency so much depends, and with whom those qualities can only be preserved by strict discipline.

The amount to be decided on by a Punchayet under a Patail might be limited to 150 Rupees, and by a Mamlutdar or Ameen, without reference, to 1,000 Rupees; when the amount exceeds this, the Mamlutdar ought not to call a Punchayet even with the consent of the parties, until he has taken the Collector's orders.—Any sum might be referred by the Collector, but great causes, where delay and distance are of least consequence, would be best done under his own superintendence.

Causes, in which great Sirdars are parties, should be reported to the Commissioner, who should take measures himself, or send special instructions in each case. No claim for a debt incurred during the Marratta Government ought to be enforced against this Class with more strictness than that Government would have evinced, and all intercourse relating to causes of those persons should be conducted according to the practice of the former Government, as above described.

Rules ought to be made limiting the period at which a suit can be entertained; 12 years from the commencement of the dispute would be sufficient in cases of personal property, but a very long period must be allowed in disputes about land, provided always that no prior decision by a competent authority has taken place.

These rules must be observed by the Mamlutdars and Ameens, but they must not extend to Patails, who must be guided by Custom alone.

A period ought also to be fixed, after which appeals on complaints of gross error, bribery &c. will not be received; these ought to be short when the cause was tried by a Punchayet, and long when by a single Judge.

Mamlutdars and Ameens should send Registers of the Causes they try to the Collectors, and the Collectors to the Commissioner, but nothing of the sort should be required from the Patail.

So far indeed am I from wishing to clog the proceedings of the lower orders with forms, that I think a decision ought to be received and enforced by the public authorities, by whomsoever it has been passed, in every case where there is a written consent to the arbitration on the behalf of the parties, and a written award on that of the Arbitrators.

Too much pains cannot be taken to encourage private Arbitrations, and this is the more necessary, from an opinion which appears to be industriously propagated, that our Government resents and punishes any interference of individuals in affairs which are within its Jurisdiction.

The employment of professional Vakeels ought to be strictly forbidden, both in the Mamlutdars, Ameens, and Collectors' Cutcherries; with the Patails they are not likely to exist.

Similar pains must be taken to guard against professional Arbitrators, a description of persons who were not unknown under the Marratta Government, and who appear from Mr. Lumsden's report to be becoming common under ours. This class, to all the bad qualities of hired Vakeels,

Vakeels, adds that of corruption in the decision of the cause. Perhaps some rule should be fixed to compel the Mamlutdars and Ameens to attend to this caution, but this is the only regulation I would venture to propose regarding Punchayets.

The difficulty of assembling the members, and of getting them to come to a decision, suggest at first view some rules to promote those ends; but none can I think be ventured on, without the risk of making attendance first entirely compulsory, and then very odious. The Magistrate may exercise his influence and even an indefinite authority as hitherto to procure attendance and decision, but he ought to use no absolute force, and above all to impose no fines nor other punishments. The utmost would be to call the Punchayet to his Court, and seat them with an Ameen from morning to night, until they should decide.

The Collector might be empowered to bestow on Members of Punchayets, on whom attendance should appear to fall particularly hard, a sum of money at his discretion, to defray their expences, and he ought to with-hold all assistance of the kind where the attendance of the members has been particularly remiss.

Punchayets ought to be furnished with a Peon to summon witnesses and parties, and in the event of the non-attendance of one of the parties after due notice, the cause might be decided against him, though liable to revision on good ground being shewn for his absence.

Some check is required to prevent frivolous and litigious complaints, especially in appeals from the decision of Punchayets.—Fees have been suggested for this purpose, but it is very doubtful, whether they are a check on litigation any further than they are a check upon justice.

It

It appears a better remedy to allow the Punchayets, or the person who tries the cause, to fine a party, whose complaint or whose defence is palpably frivolous, and if this is thought to be too great a latitude to entrust to a Punchayet, the fine might be limited to the extent of the fourth, formerly taken by the Marratta Government, or even to the amount, which would on our own system be levied (even where there was no fault) in the shape of costs and fees, stamped paper, &c. A portion of the money so levied might be given to the injured party when poor, and the rest would go to pay the commission allotted to the Ameens, and the expence of members of Punchayets. If the fund proved inadequate to this purpose, a further sum might be raised by the sale of stamped paper for all deeds and contracts, which would be a security against forgery as well as the means of raising a revenue.

In cases of appeals I would oblige the appellant to enter into a bond to pay a particular fine, if the complaint proved vexatious, and this as well as the fine imposed on the loser would only be a mitigation of the Marratta Practice in both cases. Decrees should be enforced in the mildest forms in use with the Marrattas; a Hircarra, or in a case of a respectable man, a Carcoon should be sent to insist on the payment of the sum decreed, and to prevent the Debtor eating from sunrise to sunset, unless it were paid. The property of the Debtor ought also to be sold, but not his house, nor the implements of his profession; if all this should be insufficient, he should be imprisoned for a period to be fixed on the report of the Punchayet, according to the amount of his debt, and the fraudulent or litigious spirit he had displayed.

A question arises regarding the Native practice of Tukkazza. If left as it was among the Natives, it leads to every sort of oppression, and the more, as the sufferer is often prevented coming to complain. If done away

way entirely, the great principle which drives men to Punchayets, private arbitrations, and voluntary compositions, is put an end to, and every Creditor is compelled to come to Court. It is absolutely necessary to prohibit the use of force, but perhaps all restraints and inconveniencies that depend on the point of honor ought to be allowed to remain.

Advantages and disadvantages of the proposed plan.

The plan I have proposed has many obvious and palpable defects, and many more will no doubt appear when its operations are fully observed. It has this advantage, that it leaves unimpaired the institutions, the opinions, and the feelings, that have hitherto kept the community together; and, that as its fault is meddling too little, it may be gradually remedied by interfering when urgently required. An opposite plan, if it fail, fails entirely; it has destroyed every thing that could supply its place, and when it sinks, the whole frame of the society sinks with it. This plan has another advantage likewise, that if it does not provide complete instruments for the decision of Suits, it keeps clear of the causes that produce litigation. It makes no great changes either real or apparent in the laws, and it leads to no revolution in the state of property. The established practice also, though it be worse than another proposed in its room, will be less grievous to the people, who have accommodated themselves to the present defects, and are scarcely aware of their existence; while every fault in a new system, and perhaps many things that are not faults, would be severely felt for want of this adaptation. I do not however mean to say, that our interference with the Native plan is odious at present. On the contrary, several of the Collectors are of opinion that a summary decision by an European Judge is more agreeable to the Natives, than any other mode of trial. This may be the case at first, but if the decisions of Europeans should ever be so popular as to occasion the disuse of the Native modes of settlement, there would soon be a run on the Courts, and justice, however pure when obtained, would never be got without years of delay.

There

There must however in the system now proposed be a considerable sacrifice of form, and even some sacrifice of essential justice; and it is to be expected that the abuses which will be observed under it will give particular disgust to most of our officers, because they are repugnant to our ways of thinking, and we are apt to forget that there are equal blemishes in every other System, and that those which are the least offensive in our eyes are often most disgusting to the Natives. This unsuitableness of the Native System to European ideas is however a very serious objection to its adoption, and renders it doubtful if we shall be able to maintain it after the Officers to whom it is to be entrusted shall have ceased to be selected, merely for their fitness.

If our own system be unintelligible to the Natives it is at least intelligible to us, and as its characteristic is strict rules and checks to departure from them, it is not easy to go wrong. Moreover, as it possesses no very nice adaptation to the Native way of thinking, a little derangement is of no great consequence. But the Native plan can seldom be thoroughly understood by any of us.; we may act against its plainest rules from mere ignorance, and we must all be liable to strike at its vital principles when we think we are only removing its defects. Nor is it necessary that the legislator should fall into this error to produce the most fatal effects. The error of an inferior executive Officer is sufficient to overthrow the system. The Commissioner perceives the numerous irregularities, abuses and corruptions in Village Punchayets, which may be avoided by a few simple rules; and the complete insight and effectual superintendence that would be gained by a mere report of the Patail's proceedings; he makes his regulations, directs a Register to be drawn up, punishes the neglect of his orders regarding it, and from that moment there is an end of Village Punchayets, until Patails shall be found, who will undertake those troublesome and unknown forms from mere public spirit, with the chance of punishment and censure for unintentional

failure.

failure. Not less effectual would be the decisions of an inexperienced Assistant acting with that confidence which inexperience alone confers: he fines some Punchayets for exceeding their powers, and imprisons some Patails for confounding their Judicial with their Fiscal functions, and the effect of his decision is as complete within his district, as if a law had been enacted prohibiting all interference in settling disputes, except by the Officers of Government.

To avert these dangers, the best plan is to keep this territory for a considerable time under a separate Commissioner, on whose vigilance we must depend for correcting mistakes, such as have been described.

Alterations already introduced.

Wishing to give a complete picture of the shape in which I recommended the Native System to be preserved, I have not distinguished between the arrangements already adopted, and those only proposed. In general the Marratta System has been kept unchanged. There are however some slight differences in the modes of proceeding of the different Collectors. Mr. Chaplin receives all complaints that cannot be settled with the consent of the parties, and directs the Mamlutdar to enquire into them, and when necessary to grant Punchayets. Captain Grant adopts the same course, but also has many causes decided by himself and his Assistants at Sattara. Captain Pottinger's proceedings are similar to Cap. Grant's, and in the present state of Candeish there appears to be scarcely any Judicial business. At Poonah it has long since been found necessary to appoint three Native Ameens to assist in the administration of Justice. These persons regulate Punchayets, and try causes which both parties agree to submit to them, and latterly causes also where the parties neglect to name the members of the Punchayet. There have been 3,428 Causes filed at Poonah, of which there have been settled without a trial, 1323

By Punchayets, ... 376

By

By injunction from the Collector,	539
Dismissed on the non-attendance of the Plaintiff,	408
And there have been decided,	1015
By the Collector and his Assistant,	234
By Punchayets chosen by the parties,	44
By Ameens,	248

Ultimate improvements if those now suggested should fail

1052 Causes were undecided in the end of March; on the whole I should think that the means we have hitherto possessed have not been sufficient to meet the demand in Poona, and perhaps owing to the constant occupation of the Mamlutdars in revenue business; the same may be true in the Country. I hope the plan now proposed will be more effectual. Should it fail, it will be necessary to have numerous Ameens for holding Punchayets, and to adopt by degrees stricter rules to compel the attendance and hasten the decisions of those bodies. If that should be insufficient, Moonsifs must be empowered to try causes by themselves, in which case there must be a European Judge to hear appeals from them all; but these improvements must not be introduced until they are wanted, and we must be careful not to induce the Natives to give up their present modes of settling disputes by holding out a prospect of pure and abundant justice, which we may not ultimately be able to realize.

Summary of our Civil Arrangements.

To sum up the effects of our Revenue, Police, and Judicial Systems, we have, in Revenue, lighter, more equal and more certain assessment, less peculation, and consequently less profit to the Agents of Government. In Police more attention and more vigour, but less violence and so far less efficiency. In Civil justice the great change is, that Government has taken on itself the whole responsibility of protecting people's rights, but there is more form, more purity, more delay in some cases, and less in others. In Criminal Justice, more system, more scruples, more trials, more acquittals, more certain punishment for all crimes, except Robbery, and for that, both less certain and less severe.

APPENDIX.

APPENDIX.

TRANSLATION of a Deed of Purchase executed in the year Shue 1726 Rucklakshee, on Pouch Vud Pritty Pudda, between Jannojee Bin Dutojee, Patail, Cuddum of the Village of Gaivee in the Purgunnah of Phultan; and Beemajee Bin Assajee, Patail Yadoay, the Muccadum (or Chief Patail) of the Village of Jeeregaum in the Patas Turuf of the Praunt of Poona. Sui 1214 Hej.

The reason of this Deed of Purchase being executed is, that the Muccadum (or Chiefship) of the above-mentioned Village Jeeregaum being exclusively mine, and that as there has been a severe Famine in the Land the whole of this year, and many have died for want of food, and as I also find myself reduced to the last extremity from an absolute want of every kind of sustenance or means of procuring it, excepting by disposing of my Wuttun (Hereditary Office and Lands perhaps) and Suice, if I were not to dispose of some of it I should die, and the whole world would be lost to me, I have resolved to save my Life by dividing my Wuttun Writtee and admitting partner to its engagement.

With this fixed design I have come to you and fallen on your neck, begging that you will preserve my life during the continuance of the Famine, and that in consideration of your doing so you will accept a half of the rights of my Muccadumee, while I retain the other half.

Thus petitioning and speaking to you in the strongest manner you have consented, and I now execute this Agreement to testify my voluntary

relinquishment in your favor of half my rights or sole Muccadum of the above-mentioned Village, and that in consideration thereof I have before Witnesses accepted and received Seven Hundred and One Rupees. You have thus preserved the lives of my Family, and we shall henceforward jointly enjoy all rights (Thug,) dignity (Maunpaun,) &c. according to the undermentioned detail.

First. HUGDAREE, or RIGHTS and PERQUISITES.

1st. GOOGREE. Two Maunds at the rate of 16 Puheelas per Maund on each cultivated Chahoor of Land. Half this Grain, or half its Value shall be your's, and half mine.

2nd. BHAI. Jumma on the annual present from the Sircar on settling the Jumma amounting to 25 Rupees, shall be one half your's, and one half mine.

3rd. PALBARRA. For every Chahoor of cultivated Land I am entitled (at the reaping season) to an hundred Bundles of the Grain produced. Half of this shall be your's, and half mine.

4th. HOORDA NIMBOOR. The half of what I receive from each field on these accounts shall be your's, and half mine.

Remark. Hoorda is unripe Joarry, which it is considered pleasant to eat roasted: the quantity received by the Patail from each field is from one to two Puheelas. Nimboor is unripe Bajerry taken for the same purpose.

5th. MULBATEEN. For products of the earth from irrigation you shall receive half of these products, and of all new similar products which come to my share.

Remark.

Remark. This Hug is very uncertain, it relates chiefly to Vegetables and garden products.

6th. Ralidaseecha Wottol. Half shall be your's, and half mine.

Remark. This is a small exaction of from one to two Annas taken from Travellers who stopt at the Village. It is distinct from Jaglee, or what is paid to the Ramoossees of the Village for keeping watch at night over Travellers' property.

7th. Shevdeer. Teliachee (rights from the Oilman.) Half shall be your's, and half mine.

Remark. There is a considerable quantity of Oil produced in the Deccan from Plants sown annually, and cultivated in fields either singly or mixed with Grain; the most common plants of this kind are the Til, the Imvus, the Kareel, Amborey, Kusde and Moore. The Patails in some places send round every evening for Oil, when each Oilman puts alike in the Dish. Others receive their quota monthly, and others annually.

8th. Kooshteeche Maz. (Weavers' Looms) We shall each have half.

Remark. Each Loom pays, at the end of the year, one Cloth of the description of Cloths woven on it. A Kooshtee is a Weaver of Bands of a Cloth, which answers the purpose of a Sárhee, of Puchoras, and sometimes of Sarhees. Besides Kooshtees there are other kinds of Village Weavers, Jains, Salees, Dhungurs, (who are also Shepherds) and Momins; the last are Mahomedans.

9th. Dhungurche Mag. (Woollen Weavers' Looms). Half shall be your's, and half mine.

10th.

10th. Moh Turupa. What is received on market-days or fairs from Shopkeepers, Banians, &c. such as Tobacco, Soppary, Nagveella, Paun, Gor, &c.

11th. Baprottee Zumeen, (Miras Land.) 19 Rookas, of this Land you shall have half, that is, eight Rookas in one place, and a Rooka and a half in another place, which contains a Well, the whole of which I give up to you. I retain the other half of the land.

12th. I have a Well in one Rooka of ground appropriated for the growth of Vegetables; half shall be your's, and half shall remain mine.

13th. You shall have half my Tenement to reside in.

14th. Attached to the Muccadumee or Patailship, there are Enam Lands to the extent of half a Chahoor or Six Rookas. You shall enjoy half of this, while I retain the other half.

15th. The Village Mars who perform Service for me shall also do your's.

16th. Close to the Village I have three Rookas of Land, one and a half Rookas shall be your's, and the rest continue to be mine. But besides this there is a quantity of Land without Tenants or Labourers, and which belongs to the Village. You shall take half of this Land, while I retain the other half.

Remark. The meaning of the latter sentence is perhaps that they should enjoy an equal title to the disposal, or, if it may be termed, to the Patronage of the Land, because there is always a small fee received by the Patails, who let out or sell the occupied fields of the Village. This passage

passage however argues strongly the right of the Patails to the disposal of all Lands not possessed by the Government, as "Sheyree and Koacum" Lands.

Second. MAUNPAUN, DIGNITY and PRECEDENCE.

1st. Tushreef. (The Annual Government present on the full payment of the Revenues.) We shall receive Tushreef year and year about.

2nd. On the festival of the Holy it will be customary for both to bake Bread. The Musical Instrument Players shall come to my house first, and go playing before me till I arrive at your house, when we shall both set out, my Bread being carried on the right of your Bread, and on arriving at the place of Worship (a Tree,) I shall tie up your's under it. We shall then together equally go through the Worship, and the rest of the ceremony conjointly and at the same time.

3rd. On the occasion of Shesalshet (a Ceremony which occurs on the Shustee, or 6th, the day after Nagpunchumee,) we shall both make an Image of Sheralshet (a Raja who reigned 2 Ghurrees) and together carry the Images, after our Women have danced round each, to the Well or Tank, and throw them into it at the same time instant. Your Shesalshet shall go in procession on the left of mine.

4th. On the Polse Amauass the Bullocks of both shall set out at the same time, your's on the left, and mine on the right, and in this way the one equal with the other they shall be walked in procession round Hanuman; but the Music shall precede my Bullocks home, while your's remain until it returns, when you shall bring your Bullocks home with Music also.

5th. On Marriages and Pats I shall first receive Beera Til (Paun

 Sopary

Sopary and a mark on the forehead,) and then you; on like occasion the Candwa (a large round sweet Cake) shall be equally shared by us.

6th. We shall worship not all the old Gods, but all the new ones that may be set up together, and not before or after each other.

7th. The heads of all Goats sacrificed to any of the Gods, which before were wholly mine, shall now be half of each head your's.

Remark. Hanuman is never offered the sacrifice of an animal; to Bhomanny, Cundoobha, and Bheeroobha, such sacrifices are acceptable; the carcase of the Goat is eaten by the owner of the Goat and his friends.

8th. On the full Moon (of Magh) I shall receive a Goat, and then you shall receive one.

9th. We shall be entitled to a pair of Shoes from the Chummar once a year.

10th. The Village Derhs, on festivals and great occasions, shall give us both a piece of Firewood, but mine shall be given first.

11th. On Kewl Putturs my name shall be written uppermost, then your's, and below only one Plough (a Plough is the Signature of a Cultivator.)

12th. We shall each have a Goat on the Dussara, and their value will be put in the Village expences.

13th. On the Dewally, &c. the Pipers shall play at my door first, and then at your's.

14th. We shall make the Dussora Pooja together.

15th.

15th. Invitations to Marriages, &c. shall be first given to me.

16th. The Shella given on Pats (Marriages of Widows or rather Contracts answering the chief end of Marriages) is to be shared between us.

17th. The Presents of the Dhunzurs from their flocks shall be equally shared by us.

18th. Half the Gor and Til given on the Sunkerrant shall be your's, and half mine. In this manner you and I, &c. (confirming the rights transferred to all futurity.)

Then the Witnesses' Names.

Remark. A confirmation of this Deed was granted by former Governments, and the Copy of the Deed above translated was found among the Records.

(Signed) H. D. ROBERTSON.

Extract of a Letter, dated the 9th March, 1818, from Captain ROBERTSON, *Provisional Collector at Poona, to the Hon'ble* M. ELPHINSTONE.

On the nature of the tenures by which the Land is held by the Deccan Coonbees, my inquiries have been more successful. The general Divisions of Husbandmen are two Thulkurrees, or Men who cultivate their own fields; and Coolwarrees or Oopurees, men who labour on Lands not their own. The Thulkurree's tenure is uniform; the occupancy of the Coolwarree is of different kinds.

The Thulkurree is also called a Mirasdar. Thul signifies a Field, and perhaps the literal meaning of Thulkurree is a man belonging to, or who labours

labours, a Field. The term Mirasdar is more expressive of the actual condition of the Thulkurree, Meeras signifying Patrimony, Heritage, Succession. But whatever arguments could be adduced against the word Thulkurree or Mirasdar, as a definitive of the condition of the person known by these appellations, there can be no doubt entertained of what that condition really is, for he is considered, and acknowledged by the Government, to have the property of the lands he cultivates. I am yet uninformed, and perhaps it may never be clearly established, at what period the Deccan Landlords acquired their rights to the property of the soil, by purchasing it from the Government, or the Village, or whether it has always been inherent to them, and that the Government has either usurped their rights in some instances, or broken through a custom of allowing Lands laying waste, from a deficiency of population afterwards to become the inheritance of the multiplying Descendants of the original number of Land Proprietors.

The Deccan Landlord is proud of his situation, and is envied among his brethren, who are the cultivators of Lands not their own; their feeling of attachment to their Fields is remarkably keen, and no consideration but the utmost pecuniary distress will induce them to abandon their rights of Proprietorship. These rights are either inherited or purchased, and it is a remarkable circumstance, that in the body of the Deed of Sale, it is invariably usual to record, that he who sells his Lands has begged of him who buys them to become the purchaser. It would seem that this information is deemed requisite as a safe-guard to the buyer, in consequence of the known reluctance of all Landlords to part with their Lands, to shew that no subterfuge was used to force or trick them from the original Proprietor. I have the honor to enclose the Translation of two Deeds of Sale of Land. The first has been executed and acted on without any reference to the Government. The second has been secur-

ed

ed to a confirmation, first on the part of the ruler during whose reign it was executed, and afterwards by his successor. When a Thulkurree dies without heirs, or leaves his Native Country to reside in another, his Lands become the Property of the Village, unless the Proprietor returns before thirty years.

The Lands of the Deccan Villages are all measured, or supposed to be so. The Village Accounts are made up by accounting for the disposition of its Lands. Every Field has a Name. The Lands are appraised according to their quality of Ootum, first rate, Muddhum, middling, and Kumisht, or Poor Land. The Thulkurree pays Land-rent to Government, according to the extent and quality of his Lands. This Land-rent is supposed to admit of no increase.

The Coolwarree ought probably to be pronounced Cowlwarree, which would signify a person holding a Cowl or Permission. The Coolwarree, whatever be the origin of his name, is in fact a Farmer. He cultivated Lands not his own under different names, according to the nature of his Agreement.

(A True Extract.)

Translation of a Kureed Puttur, or Deed of Purchase, dated 1739 *Shex Eshwar (Nam Sumwatsies Cheyteroud Treeteea.)*

To Pandoorang Raw Ramchundur Bingey, of the Village of Oonderee Turup Havelly Kiryat Mahawull, Pergunnah Poona, from Bheyjee, the Son of Mahadajee and Mahadojee, the Son of Jugojee Cassid, of the same Village. Sooma Sein Suba Asper, Meya Tein Un Alif 1226 Fuzulee.

A Deed

A Deed of Purchase is executed to this effect, for this reason, that in as much as we formerly received from you 917 Rupees on account of Six Rookas of the Thul Field called Gana, transferred to you along with the Well in Mortgage for 27 years, and that at the end of the above-mentioned period you having received from the enjoyment of the Land the value of your money, were to restore it to us; and that as at this time 6½ years of the period of the Mortgage having expired, 20½ years still remain, and we are reduced to distress and to the chance of dying from want of food; we have now come to you to fall on your neck, and to petition you, that as you have a right to our Land for 20½ years, and we are reduced to want, you will in consequence of our joint desire accept for ever of half, namely, three Rookas of the Land mortgaged to you with half the Well; on condition that you will immediately yield your title to the other half to us, making the price of the half we give you up, on a calculation of what we should have to pay to redeem the whole six Rookas mortgaged for 20½ years, Rupees 675.

We therefore hereby give to you the Land above-mentioned for 675 Rupees, the sum we may be said to owe you for the whole Land mortgaged, and with its half the Well attached to it, and the western half of the Tenement we possess, Thulkurrees in the Village, with whatever Walls there may be thereon, namely by Huths in length from North to South, and 12 Huths in breadth from West to East; you are bound to preserve all the Customs of the Village, and to conform to particular Customs heretofore established in respect to the Land and rights now made your's; such as the payment of the Sircar's Revenue, Purelapaun, &c. the rights of the Koolkurnee and the Baloot of the Balooties; and you will enjoy, you and your Sons, and your Son's Son to future Generations, the Land above-mentioned; and on the ground in the Village given to you, you will build a place what you please, and be undisturbed, and we engage to be answerable for any molestation given you by

any

any of our friends or relations, so that you will sustain no injury. This Deed of Purchase, which we have written, is valid (Suhee,) dated the 16th of the Month Jummadee-ool-akher.

Written out in the hand-writing of Gopaul Sidesheour of the above-mentioned Village.

WITNESSES.

The Muccadums of the said Village Koosojee bin Shokaje Patell Canwa, and Kundojee bin Willojee Golay

Bheyie bin Kristdojee Panckur of the same Village, &c. &c. &c.

PLOUGHS.

(That is signature shaped so) Tumbuckjee bin Essajee, the Carpenter. Janojee bin Ramjuelloray, the Barber. Willojee bin Bherjuthee Goora Ramajee bin Poonja, the Currier, &c. &c. &c.

(Signed)

H. D. ROBERTSON,

Collector.

Translation of a Government Confirmation of the Deed of Purchase of Land.

To the Deshmookh and Despandy of the Prount of Poona. Be it known that, to you Mahadajee bin Nazojee and Namajee bin Ansojee Shejeoul, Ryots of the Village of Wurkee Turuf Huvelly, there is an Enamputter and Mirasputtur given as follows. (Here is mentioned the year and date.)

You having come to Poona have represented that both your Grandfathers Raijee, alias Ragoojee, and his younger Brother Chahoojee, lived together in the year 1639, and that the Patells of the above-mentioned Village having been reduced to distress, accepted from your said relations a sum of Money, and voluntarily gave them a portion of their Enam

Land

Land measuring 1½ Rookas and 7½ Rookas of Miras Land, and that having thus sold their Lands, a Deed of Purchase was executed in the name of Raijee, alias Ragoojie, to the following purport.

(Here follows a Deed of Purchase similar to Enclosure No. 1.)

A Deed of Purchase of the above tenor having been executed was confirmed in the year Soorsun Meya Wa Alif by the deceased Bajee Row Pundit Pradhan to your Grandfathers, at which time Suntajee's Son Muckajee and Tuckagee Patell having been brought to the Presence and asked what Lands they had voluntarily transferred to your Grandfathers, stated as follows.

1st. Part of our Enam Lands, equal to 1½ Rookas, viz.

Belonging to Muckajee Patail	½ Do.
Ditto to Tuckajee do.	1 Do.
	1½ Do.

2nd. Part of Miras Land.

1st. Of the Field called Soandur containing 24 Rookas	6 Rookas
2nd. Of the Do. Do. Coley Thul containing 12 Rookas	1½
	7½

And 3rd. A part of our Premises in the Village, 45 Huths long and 40 broad.

Now you having brought a Deed of Purchase corresponding with the above Statement, and having all produced a Document executed by the Deceased Bajee Row, confirming its validity, and as you are desirous that the present Government should also testify the same, it is hereby decreed that you and your Sons and Descendants shall enjoy in Enam and in Miras the Lands, &c. according to the tenor of the confirmatory

tory

tory act of the late Bajee Row Pundit Pradhan, and that you shall continue to conform to the practices of the Village in regard to the Lands you have acquired.

(Signed)
H. D. ROBERTSON.

Extract of a Letter dated the 22d December, 1818, *from Captain* BRIGGS, *Political Agent in Candeish, to the Honorable* M. ELPHINSTONE.

The remainder of the Province, and that part of Gungturry under my authority, appears to have undergone a similar survey in the time of Mullick Umber, the Founder of Aurungabad, and the Successor to the Government of the last of the Nizam Shahy Princes. As far as my inquiries have enabled me to learn, the Assessments were pretty much the same as those of Acbar's, but the nature of the landed tenure was essentially different.

This Prince seems thoroughly to have comprehended the use of the soil to Government, by identifying the interest of the cultivator with its fertility. While Acbar considered the Land the property of Government, Mullick Umber confirmed the right of cultivating certain fields to the Ryots; he made a considerable portion of the Land private property; the Lands of the Village were considered the joint property of the Township; the fallow Land was the Common for the Pasture of the Cattle, and the ploughed ground was either the property of individuals, or cultivated by tenants, who received a portion of the Crops. It appears to have been a principle of his wise administration to encourage the possession of private landed property as a means of attaching their cultivators to their own soil, and making over in perpetuity to them what is only useful to Government, as long as they continued to

remain on it. The Farmer holding private Land is called Wuttundar, or Hereditary Proprietor, and the mere Cultivator is styled Oopry, and is a Tenant at will. The whole of the Village Officers, such as the Patail, the Coolkurnee, the Barber, the Washerman, the Watchman, the Carpenter, the Smith, the Goldsmith, the Potter, the Joshee, Astrologer, or School-Master, and the Currier, had each his Field assigned to him; his Office and his Land are both Hereditary, and so far personal that both one and the other are saleable, or transferable by gift; these Lands are free of taxes as a remuneration for the performance of their Offices, and to ensure in each Village, however small, one of these useful Members of the Community. The Mahars or Delers, the Hereditary Watchmen of each Village, are those to whom boundary disputes are referred for settlement. These boundaries are marked by stones fixed in the ground, and beneath each stone is usually deposited an earthen pot full of charcoal; it is surprising how these land-marks are preserved long after Villages are uninhabited, and so tenacious are land-holders of their fields, that they will often cultivate them at the distance of three or four miles from the place they reside in, if their own Village is deserted, rather than take up with new ground that may be near or more convenient, as mere tenants. The Wuttundar, or Meerassy Ryot, holds his land of right; it is also hereditary, saleable, or transferable, and on the occasion of its alienation from the family, title deeds are made out, and witnessed not only by the Village authorities, but the Desmook of the district, and several of the surrounding Patails are called on to be present at the transaction. The Wuttundars adhere to their Lands and Village in spite of oppression or cruelty, provided their landed tenure is not interfered with, and where we see half deserted Villages we find on enquiry that the inhabitants who have deserted are for the most part what are termed Oopry Ryots, or Tenants at will; this class differs only from Wuttundars by having no right to the soil, they come and settle in the Village, and are permitted by the

Patail

Patail to cultivate a certain portion of land. If the soil has lain fallow and requires to be broken up afresh, they only pay portions of the first assessment till the third or fourth year, when they ought to pay the full amount. The exactions on the agricultural classes under the late Government have been so heavy, that it was difficult to obtain tenants; but in order to induce them to take farms, the Assessments were made less than on the Wuttundars, or landed Proprietors, although it is quite evident that the Assessment from the latter is a land tax, while that from the former ought to be both a land tax and ground rent.

I shall do myself the honor at a future opportunity to transmit the Assessment in detail as fixed by the Tunklea, or by established custom on the different kinds of land.

The advantages of being an Oopry tenant are so great as to induce the Wuttundars frequently to allow their own fields to be fallow, and break up new ground, and rent it of the Sircar on the Oopry terms; but this is not allowed, when the Mamlutdar, or the Government Officer, discovers it. If on the contrary the Oopry tenant paid more for the rent of his land, after a certain number of years' residence, was allowed to become a Wuttundar on a reduced rate of taxation, it would then be an object for each Wuttundar to cultivate his own Land, and for the Oopry tenant to cultivate the same field, till by the extra rent he had in fact purchased his right to the soil. A third class of cultivators are those who have neither interest in the soil nor in the crops; those are laborers who receive according to the price of provisions, four, five or six Rupees monthly. This number is very small, and is merely mentioned to include the whole of the classes composing the husbandmen.

Such are the various modes of cultivating and raising the ground-rents or taxes called Eyn Jumma; the Assessment appears to have suffer-

ed

ed no change within the last two Centuries, and I am disposed to think that the system adopted by Mullic Umbur, of making lands over in perpetuity, is of great antiquity among the Hindoos, and was probably once uniformly adopted throughout India. Whenever the Eyn Jumma appears to have encreased, it has been in consequence of additional cultivation, not of an encreased rate of assessment, and nothing is more favorable to the extension and improvement of Agriculture than a moderate but permanent tax, and an interest in the soil. The portion remaining to the Cultivator should be such as to enable him to add indirectly to the wealth of the State; he should not only have the means of improving his field and taking in more ground, but he should have sufficient left to live in such a way as to encourage manufactures and trade, and thus become an indirect promoter of the Revenue derived from the Customs, as it must be evident, when there is no opulence in the people, there can be no source from whence Revenue can be derived.

Extract of a Letter dated the 15*th January*, 1819, *from Captain* POTTINGER, *Provisional Collector at Ahmednuggur*, *to the Honourable* M. ELPHINSTONE.

When a Patail wished to obtain Istawah for himself or any of the Ryots of his Village, he repaired to the Shaikdar or (if near him) to the Kumavisdar, to whom he applied for the usual Kowl. An inquiry was then instituted into the nature of the soil, the number of years it had lain waste, the probable length of time it would require to bring it into complete cultivation, the number of Bullocks that would be needed for each plough to till it, the facilities which the situation offered for irrigation, and the means which the cultivators had of availing themselves of this circumstance. As soon as all these points were ascertained the soil was valued, with reference to any contiguous fields or Village lands of a similar description, and the Kowls were then drawn out under the Kumavisdar's

visdar's Seal, and given to the Patails, who handed them over to the Ryots, with an exhortation to avail themselves of the Sirkar's kindness, and to use their best exertions to profit by the terms he had obtained for them.

When the Kowl had thus been formally executed and delivered, the Ryot became virtually the owner of the field, or proportion of ground stated in it, because so long as he fulfilled the terms and paid his rents with regularity, he could not be deprived of the right of cultivation; but the moment he failed to do either of these, the Kumavisdar would dispossess him, and entrust his land to another on the same or a different footing, as might seem necessary. This, however, was a very harsh measure, and therefore scarcely ever resorted to. If it was found that a Ryot's ground had really been overvalued in the first instance, and that with every wish to do so he was unable to pay his rent, the Kumavisdar might, on his own responsibility, where they had not been reported, relax in the terms, or if they had been brought to the notice of the Sir Soobah, it was usual to write to that Officer, and get his leave to alter them.

When the period of an Istwah grant expired, the Ryot might, if he chose, cease to cultivate to the full extent of his ground, but by so doing he forfeited (as I have already stated) his claim to it in future, and the Patail, in concert with the Shaikdar's acting under permission from the Kumavisdar, was bound to find, if possible, another cultivator, whose tenure was exactly that of his predecessor. On the other hand, if the Ryot was pleased with his lands, he had it in his power to secure them in his family as a *Merassee*, or hereditary possession, by simply agreeing to pay the rent of them, whether they were cultivated or not. The rent received by it to Government in this case is termed Sahra, and nothing short of utter poverty will prevent its being paid. A man will sell his House and Bullocks, or Cloaths, and even bind himself to serve another, to ensure the payment of his Sahra, because it

is honorable and respectable in the eyes of his Neighbours to preserve his *Merassee* Lands, and when he fails to pay his dues upon them, his ruin is considered as decided, and he becomes a bankrupt.

The preceding is a brief view of the practice observed in the just and flourishing periods of sovereignty of the Paishwas, but many of these regulations have been widely deviated from in latter times. *Merassee* lands have been seized from the lawful holders, and transferred to relations and dependants of Court favorites and partizans of great men. Kowls have been granted by Patails, without the sanction of even a Shaikdar, and the consequences have been that their friends were favored whilst other Ryots were overburthened with demands to make up the deficiencies. Every succeeding year encreased this evil, by reducing the number of ryots, some of whom fled, whilst others sold their Cattle to pay their last year's rent and become servants of their more fortunate neighbours. The farmers and their agents, having no interest in the general prosperity of the Country, did not take the trouble to investigate the motives and fairness of Kowls, and cared not whence the money came, provided they got as much as they expected from a Village. The old revenue system ceased even to be thought of, and extortion took the place of a just realization of the revenue.

(COPY)

Sir, DHOOLIAH, 22d JUNE, 1819.

In reply to your Circular letter of the—— Instant regarding Meerassy lands, I have the honor to acquaint you, that from all the information I formerly obtained when making out my report on Candeish, and from more minute investigation lately acquired, it appears that Meerassy land is saleable only in the following Pergunnas, which are said to have formed

ed part of Mullic Umbur's dominions, viz.

Purgunna Zeitapoor.
" Tilwan.
" Karolly.
" Kunnassy.
" Pimpla.
" Galna.
" Kutghur.

In the remainder of the Districts in Candeish, the Meerassy land is not saleable; it is not however considered Meerass, or inheritance, if a farmer has cultivated a field for many years, and it is considered as unjust to deprive him of it, as long as he pays the Government tax; the only exception to this is in the instance of Enams, which are every where I believe saleable.

I have not been able to ascertain whether the land in Candeish was at any time Meerassy. It certainly has not been since the Mahomedan conquest in 1306, and there are no village records which come within three or four centuries of that period.

The prevalent opinion which is supported by Hindoo laws and by history is, that unclaimed land cleared by the subject is his inheritance, and that he should pay for the protection he received from the state 1-6th of the produce in ordinary times and 1-4th in time of war.

The Mahomedans in their conquest considered themselves as masters of the persons and property of all infidels whom they subdued. The conquered possessed therefore nothing of right. It appears to me they were employed to cultivate the land of the conquerors, and received half of the gross produce as wages, and to bear all the expences of cultivation. As the Mahomedans became identified with the Natives, some relaxations occasionally took place, but the hypothesis that the Government is the lord

lord of the soil seems founded on the opinion that the conquered lose every thing but what is restored by the victor, and whenever the husbandman alone retains the half of the gross produce, it seems to me that he is rather the labourer than the tenant of Government, much less the proprietor of the soil.

The only Prince which I know of, who promoted the sale of land, and the privileges of real proprietorship, was Mullic Umber, and I imagine it will be found that these rights were under the last sovereigns of the Nizam Shahy Dynasty.

I have, &c.

(Signed) JOHN BRIGGS,

Political Agent in Candeish.

To The Honorable M. ELPHINSTONE, &c. &c. &c.

Extract of a Letter from Captain GRANT, *Political Agent at Sattara, to the Honorable* M. ELPHINSTONE, *dated* 17*th August,* 1819.

The hereditary, or those termed such, are the Daishmook, Daishpandy, Nargounda, Desh Chougulla, Patail, Kulkurnee and Chougulla.

It is not intended to enter on any definition of the duties of these in this report, where I shall merely confine myself by stating generally the claims which they have on the lands and revenues of the District.

Daishmook and Daishpandy are compound Shanscrit words, and the institution of the Offices is accounted very ancient. They have been termed Zumindars by Mahomedans, a name which the Modern Daishmooks and

Daishpandys

Daishpondys are ambitious of retaining, but I have seen nothing to prove their having ever been on the footing of Moghul Zumindars. The only Officers, whose situation was nearly approaching the Zumindars of Bengal, were the Mokassdars of the Beejapoor State, but I have nothing very clear respecting them.

The claims of the hereditary Officers or Hugdars in this District partake of the intricacy and confusion in which the whole accounts are involved.

The Daishmook's hug is very variable in Fultan Des; it is one fourth of the whole revenue; in Kurar it is a twentieth part of the arable land and five per Cent. on the land Revenue. In Maunee perhaps nearly the same, but with a claim to one half of all fines levied within the District, which however has not been satisfactorily established. In Meerthuree it is the assigned Enam land, and a simple fixed money payment which is paid wholly or in part. The Daishmook of Waee was the same as Kurrar, but the hug or wutten, as the right is termed, was for a time attached by Shaow, the 4th Raja; the ready money hug was then raised to 10 per Cent. and when it was restored to the Pesal family, the extra 5 per Cent. was not given to them, but it was continued on account of Government under the head of Punchoutra, literally 5 per Cent.

To this exaction, and an extra assessment of 2½ per Cent. on the Surdesmookee of Waee, may be ascribed the permanent extra assessment of 7½ per Cent. on Kurve, which has been already noticed.

The Daishpandy hug is also not uniform; it may be reckoned at one half of that of the Daishmook; both commonly have claims upon the customs.

The Nargonada has also some claims on the customs; he has his hug in Enam land, and 2 per Cent. on the land revenue.

The

The Desh Chougla's pay is not general; where it is acknowledged, he has Enam land, and a money payment from the Sadilwar.

Daishmooks and Daishpandies style themselves Zemindars, whilst Patells and Kulkurnees come under the general term of Wuttundars. The Patell has Enam land, Mushaira, a ready money payment on the Sadelwarred, an allowance for Serpow, and sometimes, though rarely, a share in the custom; he also receives a contribution in kind from the Ryots, termed Googree.

The Koolkurnee has also Enam Lands, an assignment in money on the Sadelwar, besides Serpow allowance; the grain payment made to the Koolkurnee is termed Mushaira.

The Chougulla has a smaller share in a similar manner.

The Balootay have land, and a hug in kind from the Ryots.

In the Mahratta Country all inheritance goes by the name of Wuttun, and no one would willingly part with his Wuttun, if much more than its intrinsic value were offered for it. The most serious distress is that of being compelled to sell one's Wuttun. The feeling is singularly strong, and is not easily understood or described; the attachment to a house, a field or garden, we can enter into, but Wuttun is sometimes merely the right to a few blades of Bajee from the Vegetable sellers in the Bazar, which I have seen maintained with an eagerness which did not proceed from its value, but from its being Wuttun. I have seen two women fight and tear each other in the streets of Sattara, because the one had removed a loose stone from near the House of the other, which was part (said the enraged and aggrieved person) of my Wuttun. This feeling will be found universal, but here it is peculiarly observable.

AU-

All the hereditary Officers can sell their Wuttun, but some require to have the sanction of Government. Consent, I am inclined to think, is always requisite, to be regular, but in some cases, such as Patells or other executive and important Officers, it is indispensably necessary. In the sale of every species of inheritance the next of kin has the first offer, and so down to the nearest neighbour. This is a rule of right even in the disposal of a house, which may not have been acquired as patrimony. If the house and street are East and West, the neighbour on the east side has the preference. If North and South, the one to the South has the first offer.

The sale of any hereditary office is a very formal procedure; an attested acknowledgment of the act being voluntary, and proceeding from circumstances which are to be generally stated, is the preliminary adjustment. I have examined papers of the sale of an hereditary Office, and found the amount above 50 years' purchase of all known emolument; but besides the purchase money, there are fees to Government, and regular dues to be paid to the other hereditary Officers upon admitting another person into the gate. The whole of the hereditary Officers bear witness to the deed of sale, which list of signatures is taken in a public Assembly, and is turned to the gate Muhzar. The share of Hug upon customs shall hereafter form a separate report.

The hereditary Officers are amenable to a Tax called the Dehug Puttee, which is the whole amount of their hug, exclusive of their Enam lands, and may be levied every tenth year. This has never been regularly levied, and is a very unpopular tax; at first view it seems only reasonable that those Officers, when not executive, should be required to contribute something to the exigencies of the State, yet many poor women and families, who have small shares of hug, would be greatly distressed by it, unless it could be levied on individuals possessing above a certain in-

come

come derivable from this source; but this would require a minuteness of information which we cannot easily acquire.

As the extent and assignments of all rent-free lands will be shewn in the statements which I shall forward next month, I shall at present pass on to the various tenures of the Farmers who pay a Revenue to Government, leaving the others at rest for the present.

All persons who possess hereditary right to any fields come under the head of Wuttundars of such and such a village, though they may have actually resided all their lives at Gwalior; whereas all others who do not possess this right, though present in the Village, and though they and their Ancestors may have resided there for a century, are termed in common with the passing Marratta traveller, who has slept a night in the Dhurmsala, Oopnee or stranger.

The common farmer holds his lands upon a contract or lease from the Village authorities, which is called his Qoul; it is generally renewed from year to year, and seldom exceeds three years; he is obliged to conform to the Customs of the Village, and commonly pays his Sirkar dues in money; he is said to hold his Kund Mukta or Oakta.

A Warrenda Kuree is a person who holds lands in a similar manner, but beyond the limits of his own Village boundary.

A Sheree-kuree is one who holds lands, virtually the property of Government. Sheree is commonly a particular species of property which may have reverted to Government, either by becoming forfeited, or by some former purchase for the purpose of planting trees. It may also have been land which from time immemorial has not been within the bounds of

any

any Village. A Sheree-kuree may be a person holding few Mangoes for the season.

A person renting land under an agreement of paying half the produce in kind, is said to hold it in Bhuttoyee.

The Ryot however, whose situation merits most particular attention, is the cultivator of lands in which he has an hereditary and proprietary right, and who holds his land in perpetuity on paying a fixed rent to Government. To this tenure you have particularly directed enquiries, and I shall endeavour to state all I have been able to collect respecting these Meeras lands.

The Merasdar has without doubt a perfect property in his field as long as he continues to pay the amount with which it may be burdened, together with the right of disposing of it, even without the sanction of Government. How he became originally possessed of this right, it is difficult to account for; there is no direct evidence of the whole land having been all Meerassee in ancient times, but there is a proof in the Thul Jhora, or record of the fields in Villages, that a vast quantity of the land formerly registered, Meras is now Kund Mukta, or held in common lease.

An opinion prevails that all land was originally Meras, and that in the ancient Hindoo Raj the soil became the acknowledged property of the person who first cleared it of stones and jungle.

The usual manner of obtaining this right from Government at a more recent period, I have already had the honor of explaining in my letter of the 29th of January on the subject of the Istawa lease; but since I wrote that letter, I have had more opportunity of hearing opinions, and judging of Maratta feeling regarding this tenure, and I now find it as gene-

rally

rally considered an overstretch of power on the part of Government to resume any Meras field, merely because the Merasdar has failed in paying his rent, or because he has retired to some other part of the Country to evade payment.

Simple insolvency on the part of the Merasdar does not appear to have given Government the power of disposing of his field in Meras to another. When the Merasdar cannot pay his rent, the amount of the dues fails on the other Merasdars, should the insolvent Merasdar remain present in the Village; but if he should quit the district, the others are not called upon to pay the rent: during his absence the Government has a right to make the most of the field, and even to let it in lease, but for a period usually not exceeding three years, and till the expiration of which the Merasdar cannot claim restitution.

That numerous examples of a less forbearing conduct on the part of the late Government can be adduced, I am well aware; but there is no species of property in this Country that he has so much respected as Meras land, and though this may have proceeded in a great degree from the insignificance of its value, and the loss rather than gain which its seizure or alienation must have occasioned, yet even in cases where immediate advantage would have resulted to the rapacity of Government Agents or Revenue Contractors, there has always been great consideration shewn to the Merasdar. Instances of declared forfeiture are accordingly very rare; but great crimes, such as Treason, Robbery, Theft and Murder, are always considered as destroying the right to all Meras, and indeed to every species of property whatever: but Meras land generally goes to the nearest of kin. In all cases it seems to have been considered right, that a reasonable provision should be made to relations, even when the ostensible head of a family had committed an unpardonable offence. Had this not been customary, many persons, owing to the divisibility of property

amongst

amongst heirs, would have been deprived of their only means of livelihood for the commission of crimes in which they had borne no participation. This accounts in some manner for the portions of Hug, &c. which are so frequently credited to Government in the annual Village Settlement.

Merasdars, who are absentees, are termed by Marrattas Paragunda. It is so well understood that no Merasdar wilfully quits his land, that it is considered the duty of a good Patell and of all superior Government Agents to use every endeavour to discover and remove the cause of his leaving his home, and the field of his forefathers. If poverty has been the cause, his rent is remitted, and an advance of money granted; and if it has been occasioned by any unsettled dispute, an investigation and adjustment are promised by Government. Should every inducement fail, and the Merasdar pertinaciously and unreasonably persist in remaining abroad, he can be required to give in a written renunciation of his Meras right, which, when obtained, allows the Government a full power of disposing of his lands; but without this document there is no authority that can dispose of such land in Meras to another, until the death of the Merasdar, and the death or renunciation of his Heirs. In case of its being thought an object to ascertain this, the mode of doing so is from the Village; should the Villagers bear testimony to the certain or supposed death of the Merasdar and his Heirs, Government can then dispose of the land to another person in Meras; and should any heir afterwards appear, he has no claim whatever, unless he can clearly prove that the evidence of the Villagers was given, knowing it to be false, or that he had been in such a situation as had put it entirely out of his power to keep the Patell and Wuttundars apprised of his being alive. When such can be proved, he has a right to the field upon the payment of all loss or other equitable charge, either by the Government or the occupant, but under the circumstances just described, and in all others when the field is merely held

held by an ordinary cultivator; in case of the return of the rightful heir, the Miras must be restored at the expiration of the lease, which usually is done without requiring arrears of deficiency to be made up, although it is admitted that Government has a right to demand them. As to paying for improvements, the ordinary cultivator had no security until the issue of the late orders for any outlay, and consequently would not incur an expense which was not likely to be returned in crop during the existence of his lease.

Silladars about to take the field, or any person in immediate want of money, frequently mortgage their Miras Land; the value of which of course depends entirely on circumstances.

To form a precise estimate of the number of years' purchase of Meras land is by no means easy, and will require more enquiry and much longer experience than can be obtained in one season. My present notion is, that when the established assessment only is levied, the Ryot has on a fair average one third of the gross produce; the Government has a third, and a third goes for Seed, Hugdars, Bullocks, Implements and Subsistence to the Cattle; the year's purchase would therefore be found by a series of the years of rent, and in an average of thirty Deeds of Sale from 1780 till 1810, which have been examined, the general rate in 10 years' purchase.

Industry and natural advantages may improve a field so much as to yield the Mirasdar upwards of ¼th of the produce. The year's purchase in these cases can only be ascertained by fair statements from the occupant, which I cannot say I have been able to obtain satisfactorily, either from a want of intelligence, or more probably of candour; the people cannot yet be brought to understand the intention of such enquiries.

Land

Land held at will, I suppose, may have one fourth of the gross produce in the hands of the Ryots, but for the reason just stated, I have no other means of ascertaining the fact than the following observation.

The Koonbees, not Merasdar, prefer the tenure called Bhuttoye, that is, dividing the produce with Government to the ordinary farm. The mode of this division is first to set aside the dues of the Patells, Kulkurnee and Balootay, the quantity required for next year's seed, after which the division is made, and the rest of the hug dues fall on the Government share, but after the first deductions, the subsequent division, the wear and tear of implements, the purchase of Cattle and finding their subsistence, there will remain little more than a fourth of the gross produce.

Meras hereafter appears to be a very desirable tenure, as long as the established fixed assessment usual in the country continue to be equitably levied; as the Merasdar has not only much more personal consideration shewn to him by his townsmen, but he has all the advantages which industry can give him in the way of improvement; but when pretences were sought of extorting extra payments, it was worse than the ordinary lease, as it placed the proprietor more in the power of the revenue farmer. Thus Meras land latterly became of no value, and had it been possible for such a system of undefined exaction to have gone on without control for any length of time, it is highly probable that the Meras tenure would have disappeared.

In estimating what falls to the Ryot of the gross produce, a considerable portion is made up of the daily subsistence he is deriving from his field. If hired labourers are employed, I have with some precision ascertained from Bramins who farm in this way, that they derive a profit of one eighth in an ordinary year, but this is calculated on what they save by the produce of the field for family consumption.

With regard to the tenures of land, there does not seem to be any doubt that the Meras land was considered private property, in as far as it uniformly descended from father to son, or to the nearest heir; and only reverted to Government on the failure of Kin of the former possessor, or its not being claimed by them for a long course of years; the Merasdar could sell or give it away, with the permission of Government, but not otherwise; and as long as he finds his rents, the Government had no right to interfere with his lands; but whether the ground was cultivated or not, he was obliged to make good the rent according to the Kumal of the Village. The word *Thulkurnee* is synonimous with Merasdar, though it is sometimes confined to a person, who himself cultivates his own Meras land; for a Merasdar may let his land to any other person, being himself answerable to Government for the rent.

The other Lands of the Village, which belonged to Government, are called *Oopree* or *Gulkoollee*, and of them a portion, called Shereeshet, was usually reserved by Government, and cultivated on its own account, and was exempted from Gaun Khurch and some other Puttees. The Oopree land was entirely at the disposal of the Patell and Coolkurnees, and was cultivated by Coolumbees, called Sookwastoo (Tenants during pleasure;) as these were guided entirely by their own inclinations, in cultivating the Oopree lands or not, the Patells exerted themselves as much as possible to induce them to do so, by advancing them Seed and Money if requisite. The Patells and Coolkurnees had nothing to do with the Meras lands, except to report the absence of any Merasdars from their Villages, to recall them and make them answerable for the full rent; if they would not return, they seized the land for Government, and employed others to cultivate it; or if they resigned it altogether, they took a writing from them to that effect.

If by any misfortune, the crops of the Meras lands are much injured, it

it was usual to allow some remission, but not on account of any part remaining uncultivated; whilst the Ooprее land paid only for what it produced. A very small proportion of the lands of this country are Oopree, nearly the whole being Meras, and it is said by some, that there was formerly no Oopree land at all, and that it has gradually fallen into the hands of Government, by the failure of heirs of the Merasdars, or other accidental circumstances; such as quarrels amongst brothers or relations, about the division of their lands, which they often desired to give up altogether, rather than resign to each other any part of what they held to be their rights, or perhaps the poverty of the Merasdars and declining state of the Country may have induced many to give up their lands.

In support of the conjecture that the whole of the lands was formerly Miras, it may be observed, that in many Villages the whole of the land is still Miras, and cultivated by Mirasdars; in others the whole is styled Miras, and still stands under the name of the Merasdars although part of it has become waste, or has reverted to Government, and is cultivated by Sockwoostoos, in consequence of the absence of the Merasdars and their heirs, or other causes; in many Villages which have long possessed Oopree lands, the fields are still known by the name of the Mirasdar to whom they formerly belonged.

The Patells, Coolkurnees, Deshmook, Despondy, &c. hold Wuttun lands in virtue of their Office, but they differ from Meras lands, in that they pay no rent, except in most cases an Enam Tizaee, that they are attached to the Office, and may be sequestered by Government for any offence, which Miras land cannot, unless for very great crimes, which involve the whole family of the Merasdar. The Patails and Coolkurnees can however sell part or the whole of their Wuttuns and rights to any person, with the permission of the Deshmookh; and Despondys can do the

the same. The Patails and Coollkurnees and Zemindars are often also Merasdars, as well as the inferior Officers of the Village. In some districts, the Miras lands pay a triennial tax called Miras Puttee, but this is only in the Poona Sooba, and the Districts of Jooneer and Soopa. It does not at once appear why the Miras lands should be so much more valued than the Oopree, since, if equal in extent and quality, they are taxed alike, or rather the Mirasdar pays more than the other, besides the Meras Puttee, as he must pay for the whole of his lands whether cultivated or not; whereas it is only the Oopree land actually cultivated which is taxed. There is however little doubt that Meras lands, though rated the same as Oopree, are actually more productive, owing either to their having been all, at some period, Miras, and the Oopree lands being neglected, and having become inferior; or to the advantages enjoyed by the Mirasdars, having been sufficient to induce them to bestow labour and expense in improving their lands above Oopree; for it appears that the Kumal of Miras land, once fixed, was not subject to any casual increase in consequence of improvement as the Oopree was, and we may add, the natural attachment of man to a birthright handed down to him from his ancestors, and of which he was sure of enjoying the undisturbed possession, as well as the satisfaction of being able to leave to his family an inheritance which seems to have been always respected in a Country where every other species of property is so extremely uncertain. It is certain, that although the Native Government may have occasionally seized on Miras lands for its own purposes, it was looked upon as a great act of oppression; that in the time of NANA FURNAVEES, when the Country was comparatively prosperous and well cultivated and governed, Miras lands bore a much higher price, than during the capricious and arbitrary Government of BAJEE ROW, that the Miras lands are more improved than the rest, and that a very considerable value is set upon the possession of them by all classes of Ryots. If any land, which was wanted for the purposes of Government, happened to be Miras, some other Oopree lands were

given

given in exchange, and perhaps in later times nothing at all; but even Bajee Row always paid for any Miras lands which he wanted for his own use, and purchased them from the Mirasdars, generally at their own price, like any private individual; there are instances of Mirasdars having refused him their lands on any conditions, and his being obliged to submit.

The Government was always willing to grant lands to the Ryots on the Miras tenure, on payment of a Nuzzur; this power was in many parts of the Country delegated to the Deshmooks and Deshpondys, and even to the Patells and Coolkurnees. No Sunnud was required, the mere registering of the grant in the Village papers being usually sufficient; any Ryot, whose Ancestors had cultivated a spot of Oopree land for a certain period, in some places sixty, in others one hundred years, without interference from former Mirasdars, became in fact the Mirasdars of that land without any further grant; should however the descendants of the former Mirasdar claim, and make good their right within sixty or hundred years, a part of the land was restored to them, and the remainder confirmed to the Mirasdar; after that period all former claims were superseded.

The Government could grant Miras lands in Enam to other people, that is, the Revenues of the lands; but as it possessed no rights over the land itself, it could of course transfer none to the Enamdar. Instances of disputes on this point have occurred, but have always terminated in favour of the Mirasdar.

(Signed) J. MACLEOD.

(A True Copy)

(Signed) J. MACLEOD.

GENERAL

GENERAL ABSTRACT OF TOTAL.

	Poona.		Ahmednuggur.		Sattaree.		Kandeish.		Carnatic.		Phutudhans Jageers.		Kittoor Tulook.		Total.	
	Rupees	As.	Rupees	As.	Rupees	As.	Rupees	As.	Rupees	As.	Rupees	As.	Rupees	As.	Rupees	As.
Enams,	8,9,828	1	6,54,491	5¼	1,53,295	5	40,543	11¼	2,43,522	15¾	50,070	14	8,060	..	12,39,812	4¼
Deuristhans,	74,058	1½	49,802	4¾	35,287	14¾	3,926	7	26,779	7½	12,374	7¾	5,595	..	2,07,888	11¼
Suriristhans,	30,835	8	17,638	14½	4,705	2	401	..	....	..	....	..	....	..	53,580	8¼
Wurshasuns,	2,432	4	20,517	..	9,724	4½	2,897	6	28,400	7½	13,269	4½	2,244	..	79,484	10¼
Dewisthans and Wurshasuns (together)	....	..	....	..	....	..	....	..	15,474	..	....	..	....	..	15,474	0
Nemnooks,	2,359	..	19,217	12	6,835	4	1,075	..	1,46,412	8	....	..	....	..	1,75,899	8
Dhurmadars,	635	10½	23,758	..	40,705	9½	25	..	23,513	9½	35,111	11¾	....	..	1,23,749	9¼
Doubtful Enams or Dhurmadars,	....	..	11,594	2¾	20,167	2	....	..	....	..	....	..	....	..	31,756	4¾
Rozimadars,	360	..	27,709	3	....	..	6,626	5¾	3,364	..	....	..	....	..	38,059	7¾
Peers,	2,018	8	2,123	8½	1,968	7¾	193	8¾	80,543	4½	....	..	....	..	86,847	5½
Miscellaneous allowances (Ketta)	275	..	5,526	11½	63,666	14¼	17,248	4	27,112	6¾	28,160	14½	....	..	1,41,990	3
Khyrats,	15	..	4,528	11	3,394	1¾	13,500	9½	1,866	11½	....	..	102	..	23,407	1¾
Allowances to Peers and Khyrat (together)	....	..	....	..	....	..	....	..	....	..	4,619	6¼	....	.	4,619	6¼
Balpururishee,	15	..	565	..	759	..	....	..	398	5½	....	..	....	..	2,037	5½
Buksheish,	614	9	....	..	290	..	....	..	....	..	....	..	....	..	904	9
Dehujee,	3	10	....	..	1,914	..	....	..	....	..	....	..	....	..	1,917	10
Mezuanee,	....	..	....	..	100	..	....	..	....	..	....	..	....	..	100	0
Gardens,	181	6	....	..	....	..	....	..	....	..	....	.	....	..	181	6
Exemption (Maaf)	....	..	....	..	69	..	....	..	....	..	....	..	....	..	69	0
Lands and Buildings to Zemindars, Bheels, &c.	9,518	6	5,475	13	28,456	¼	4,376	9½	1,66,929	4¼	8,879	2½	....	..	2,23,635	3¾
Ditto additional (Doubtful)	....	..	....	..	552	8	....	..	....	..	....	..	....	..	552	8
Shet Sunnudee,	190	8	....	..	....	..	....	..	....	..	....	..	....	..	190	8
Total	2,13,340	8	8,43,008	5	3,71,885	9½	90,813	12	7,64,317	¾	1,52,785	13	16,001	..	24,52,152	2

POONA, 31st August, 1819.

(Signed) J. MACLEOD,

(True Copy,)
(Signed) J. MACLEOD.

An Enam is a free grant in perpetuity, without any implied condition, except that in some instances, ⅓d of the rent called Enam Tizaee, is paid to the Government when it is not otherwise expressed in the Sunnud; an Enam is in fact private, freehold or not, according to the above condition, but by far most commonly entirely freehold.

Assignments in Surringam are held on the conditions of Military Service, and are either as personal pay, Zat Suringam, or for the support of Troops, and the maintenance of Forts called Fouj Surringaum.

Dewusthan are Revenues dedicated to the support of Pagodas; they are granted of all kinds of property, in various ways, and are considered permanent.

Suwasthan is a place where a God is supposed to be actually present, or incarnate; as Gunputty is supposed to animate the Living God at Chinchoor. Revenues dedicated to the support of such persons or temples, are called Suwasthan, and are grants in perpetuity.

The word Suwasthan is believed to be different from Suresthan (own place,) which is applied to the territories of Petty Princes or Rajás, whose districts are considered entirely their own, and governed independently by themselves, without any interference on the part of the Government.

Wurshasuns are originally religious or charitable pensions, paid either from the Hoozoor Treasury, in which case a Sunnud was not required,— or by grants on the Revenues of the Mahals, or any particular parts of them, which were generally confirmed by Sunnud, and were considered as descending from Father to Son, being usually continued by the Mamlutdars to the Son, or immediate heir of the late incumbent, on application to that effect. It would appear however that on the death of the present incumbents

incumbents, they may be resumed or disposed of, at the pleasure of Government, and accordingly, on the Mamlutdar's reporting such circumstance, should there be no immediate heir, or should he be in any way considered unworthy, the Wurshasun is sometimes either reduced, or taken away altogether. In cases however where Sunnuds have been granted, such exercise of power does not seem to have been usual.

Rozeenadars are persons receiving a certain charitable donation, daily, or yearly; these, together with the allowance to Peers and Khyrats, were for the most part originally granted by the Moghuls, and continued by the Mahrattas. They seem to be considered nearly on the same footing with Wurshasuns, and to be permitted to go on without much interference.

The same may also be said of Dhurmadaws, which are charitable allowances to religious persons, or for religious purposes. And Balpurwurishees, which are generally pensions to the families of persons killed in the service. Dhurmadaws and Balpurwurishees are usually granted of Sunnud; as are sometimes also Dehngees.

Miscellaneous Pensions or allowances, not coming exactly under any of the above heads, are called Killa; they are in some cases confirmed by Sunnud, and considered permanent.

A Nemnook is a fixed annual payment from any particular specified source, whether in money or kind.

An Itlakh is a payment either in money or kind from a public Treasury or store. And a fixed annual payment, (Memnook) from any Public Treasury, is peculiarly called an Itlakh Nemnook.

A Nemnook

A Nemnook therefore is a grant conferred on any person as a fixed annuity, either from the Hoozoor Treasury for which Sunnuds were not issued, or from those of the Mahals, or out of any specified source of Revenue, for which regular Sunnuds were usually granted. Nemnooks were usually granted either on account of past or present services, or were fixed in lieu, or in part, of some other allowances formerly enjoyed. Their terms and duration seem to have depended very much on circumstances; such as were confirmed by Sunnud were usually held to be permanent, though it would appear, that during the late Paishwa's Government they were frequently reduced.

A detached Village, which has by any circumstances been separated from the Mahal to which it originally belonged, is called Phoolgaum, and such Villages in one district or belonging to one person are generally classed together as a Mahal, under the name of the Dhootgaum of such a district or person.

The allowances to Pagodas (Dewasthan) or generally Itlakhs in money or kind from the Treasury of the districts, and the quantities of grain, and other articles supplied, are expressed in the regular accounts; they are however not accurately fixed, but vary a little from year to year, as the expences of the Pagoda may require, or other circumstances occasion; they seem however to be pretty constant, and very rarely to have been resumed or even reduced. The articles supplied in kind are many and various; they are usually converted into money, at the average prices of the different years, from whence the particular accounts are taken, and the differences from year to year are so small as not to be worth any thing.

(True Extract,)

(Signed) J. MACLEOD.

The

The Hoozoor Duftur is the Records of Government, as registered by the Government Officers. In it were kept all accounts of the receipt and expenditure of the Revenues of the state, whether the realizations from the Provinces, or from whatever source; the expences of Troops, Establishments, Enams and every species of grant, gift, and money transaction whatever; excepting only the private affairs of the Prince, or such accounts, as it suited not the interest of individuals in power to leave on Record.

The Duftur was kept very complete till the time of Bajee Row, whose arbitrary and capricious Government found little advantage in keeping a correct record of its proceedings; and besides, in the farming system which he adopted, the advantage of registering the acts of the Revenue Servants of Government was in a great measure lost, as it existed under former Paishwas; it was a very extensive establishment, consisting of about 200 Karkoons, and divided into several Departments for the various branches of business; the whole was under the Hoozoor Furnavees, and was generally distinguished into Chatle Dufter, and Ek Berij Duftur, besides the Potnuvee's Duftur, Treasury, and other Departments, not immediately connected with the Revenue accounts.

The establishment of the Chatle Duftur was always the Furnavees, for the transaction of current business; that of the Ek Berij Duftur was always at Poona, it being more particularly for the arrangement, registry and deposit of accounts.

The business of the Chatle Dufter was distributed amongst the different branches, as the Fur, Behera, Suringaum, &c.

The Fur was the immediate Office of the Furnavees, from whence were issued

issued all grants, Sunnuds and Orders; and to which were rendered all accounts required for the information of the Furnavees from the other departments. Here all accounts were examined and passed by the Furnavees; and Day Books or Journals (Rozkirds) were kept of all transactions that occurred; of all sums paid or received; of all grants or appointments made or resumed.

The Behera Department received the accounts from the Districts which were made up into official forms, for the inspection of the Furnavees, as Tallebunds, Azmaish, Behera, &c. The Tallebund was a complete abstract of the actual receipt and expenditure of the Revenues for the past year, from it was framed the Azmaish or Estimate for the next or current year. This was a rough Estimate compared with the Behera, which was a corrected statement of all known receipts, and of all fixed authorized expenditure, and formed the basis of collection for the current year.

The Suriajam Department was charged with the accounts of all Sarinjams, Enams, &c.; in short all Doomalla whatever.

Besides these were the Department of Accounts generally (Aisal) of Military Expences and Contributions (Waree) and such like. These arrangements however varied with the pleasure of the Furnavees, or the business that might occur.

In the Ek Berij Duftur at Poona were received, arranged, and deposited, all accounts from the other Departments, and from them were framed abstracts of the total receipts, expenditures and balances of Government, on all accounts, for the year (called Turjuma) also Khutaunees, which are abstracts of all kinds of expenditure arrang-

ed

ed alphabetically under their proper heads in the manner of a Ledger; and in short the whole of the revenue and financial transactions of the State, were registered and arranged, and their accounts deposited in this Office.

The general contents of the Dufter under the Paishwas may be described as follows; viz. all accounts rendered to the Government of the Revenue and expenditure of the Districts, with the settlements of them by Government; the accounts of Districts rendered by the hereditary District Officers; and those of Villages by the Village Officers of Farms, of Customs, &c.; accounts of all alienations of the Public Revenue, whether Surinjam, Enam, or otherwise of the pay, rights, and privileges of the Government and Village Officers; accounts of the strength and pay of troops, and the expences of all Civil, Military, and Religious Establishments. In the Rozkirds were Registers of all Revenue transactions generally, together with all grants and payments, and more particularly the accounts of all contributions and exactions, levied on foreign States. The whole of which were considered and exhibited in one comprehensive view in the Turjumas. The records however were probably not complete to the extent described. It is said that Nana Furnavees introduced the greatest improvements into the Duftur, as he did in the transactions of accounts in general; and during his administration, viz. from about 1765, with the exception of a few years up to 1796, it was kept with much regularity. From the accession of Bajee Row the regular receipts and deposit of accounts in the Duftur was not only much neglected, but its establishment was almost entirely done away, and people were even permitted to carry away the Records, or do with them what they pleased. The Duftur was in consequence much mutilated, and thrown into great confusion.

After

After the occupation of Poona in November 1817, the Records were found in different places in a state of the utmost disorder, but, considering all circumstances, tolerably complete for a period of 88 years; that is from 1130 (ai) A. D. 1729 inclusive, up to the breaking out of the war, with the exception of a blank of about 7 years, viz. from 1157 (1757) A. D. to 1163 (1763) A. D. inclusive, of which most of the Records were burnt, when Poona was taken by the Moghuls; for the 27 years preceding this blank the Duftur is moderately perfect, and for the 32 succeeding years up to 1179 (1796) A. D. the accession of Bajee Row, the Records are nearly complete, particularly from 1774 when Nana Furnavees came into full power, but during the reign of Bajee Row, the last 21 years, they are by no means full.

It is doubtful how far the accounts in the Duftur may be depended upon as true and candid statements; it is probable that they were often manufactured to answer the purposes of individuals: a very remarkable degree however of consistency and relative accuracy is to be found in the accounts, for many years, such as must have required no small industry to effect, and the more ability, if the Statements are actually false.

Since the foundation of the Duftur Establishment under the Commission, the Duftur has been completely examined and arranged into separate Districts, and mostly also into Pergunnahs, and its arrangement by years also is in considerable progress. Full and complete Statements of all allowances, as Surinjam (Fouz and Zat) Tynat and such like, have been made out, and also Lists of all Enams, Dewusthans, and Suwustan, Dhurmadaws, Kitta, Wurshasun, Nemnooks, Nozeenadars, Whyrats, allowances to Peers and Fuqueers, and Mosques, Balpunwunshee, Maaf, Bukshish, Delengee, Mezwanee, Garden, and Sunudee Lands, Wuttun Lands, of Zemindars and for the Deccan, Carnatic and Khandeish, and the Paishwa's Provinces in the Nizam's Country, which have also

been

been translated, and forwarded in Mahratta and English to the Collectors. Similar Lists of the Concan and Guzerat are in progress; the Dufturs of the Concan for the last ten years have been sent to Bombay. Abstracts of the produce, deductions, and net revenue of the whole Country during the last year of Bajee Row have been framed by Districts, Pergunnahs and Mahals, and in more than half the Country by separate Villages. For the purpose of authenticating the above Lists, each item has been compared with the accounts of the two different periods, viz. the latest in the Duftur, from whence it was taken, and another, of from 15 to 20 years preceding, and very often three or four different periods of accounts have been compared; the accurate correspondence which has been observed among them is very remarkable. In many cases, the particular dates and circumstances of the original grants have been examined, and with a view to the final and ready adjustment of any disputed title, and to ensure immediate reference, an Extract has been made from the Duftur, particularly the Nazkirds, of the date and authority of all grants whatever, and of all forfeitures or restorations of grants from the beginning of the Duftur to the year 1776, and is now in progress towards the present time. It is arranged alphabetically by the names of grantees, like Native Khatawnee, containing under each the date, circumstances and particulars of all Sunnuds, grants or allowances, that were made, resumed, or restored by Government. This has been a work of much labour, but when finished will form a table of authentic reference, by which any question or doubt, which may at a future time arise, can at once be settled.

Besides the Records immediately connected with Revenue, from which much matter still remains to be extracted, the Duftur contains many materials of curious general information. Thus the series of accounts of the Districts and Villages afford a view of the comparative state

state of cultivation and improvement, and assessment of the Country at different times. Those of the Armies and establishments, and particularly the Rozkirds, shew the progress of the Mahratta conquests and dominion, and the most important acts and events of their Government; and the Turjunmas furnish complete statements of their general wealth and resources.

(Signed) J. MACLEOD.

(True Copy.)

(Signed) J. MACLEOD.

POONA, 15th Sept. 1819.

Translation of a Yad of a Niwarputr, (Award.)

Draught of a Niwarputr to Moodogee Nayk Nimbulkur, Desmookh of Prant Phultan.

You came to the presence at Poonundhur, and stated as follows: "My "great Grandfather Beejajee Nayk had four Sons, the eldest Mahadajee "Nayk, the second Gookajee Nayk, the third Wungajee Nayk, and the "fourth Moodhajee Nayk; three of these died without issue. Moodajee "Nayk had two wives, the elder Sewaw, the younger Jewaw. First Jewaw "had a child, Janojee Nayk, and afterwards Sewaw had a son named Bee- "jajee Nayk. Madajee Nayk, the eldest son of the first, Beejajee Nayk, "possessed the Jageer of the Purgunna of Kuttaw, and other Mahals, and "resided at the Thanna of Khuttaw which belonged to him. Madajee "Nayk took (the young) Beejajee Nayk for his adopted Son, and died "at Gwaleree. The Wuttun and Jageer were continued to Beejajee "Nayk, and afterwards the deceased Jhahoo Maharaj gave Rajees Bye in marriage

" marriage to Moodhojee Nayk, Son of Janojee Nayk, and the Maharaj de-
" sired Janojee Nayk's Father to give him a Village for his subsistence.
" His Father however would not comply, but was offended, and went in
" to the Moghuls' Country after him; Janojee Nayk and his Son Moodho-
" jee Nayk enjoyed the Jageer. At that time the Wuttun was held by
" my Goomasta. I returned to my Wuttun about 20 or 22 years after
" the death of the Father of Beejajee Nayk, in the Moghuls' Country,
" and during the life time of Moodhojee Nayk, who then gave me in the
" Pagoda his sword and shield and place, as his elder, and was about
" to give up the Wuttun to me, when he died; on this the deceased Mad-
" hoo Row Pundit Prudhan confirmed to me, by Wuttun and Jageer,
" which I accordingly enjoyed for 6 or 7 years. But during the trou-
" bles, which occured on the death of Narrayn Row Pundit Prudhan,
" Suggoonabye, Wife of Moodhojee Nayk, got the Wuttun and Jageer
" for herself, and now enjoys possession of them. But I am the elder in
" the Deshmookhee. I have never to this day shared my Wuttun with
" any of my yonnger relations; I make them an allowance for their sup-
" port, but do not allow them to interfere. I now pray that orders may be
" given for my rights, which have existed for many years, being restor-
" ed, and continued in the same way for the future."

Moodojee Nayk bin Beejajee with their Seals, &c. addressed to Beeja-
jee Nayk bin Maharajee Nayk, upon this an order was given to Suggoo-
na Bye to send an Agent on this affair to the presence, and Nursew Row
Konher was sent by her for this purpose. Nursew Row Konher asserted
that Madajee Nayk had never adopted Beejajee Nayk, that Moodajee
Nayk is the Son, Beejajee Nayk the younger brother of Janojee Nayk,
who was the Father-in-law of the Bye, and the eldest son of the first Moo-
dojee Nayk, and Moodojee Nayk has therefore no claim to seniority.
Having stated this he produced a Muhuzar, with it's Seals, &c. naming
Beejajee

Beejajee Nayk bin Moodhojee Nayk, upon which the Papers of both parties were examined in the Hazoor. Meejales Moodhojee Nayk produced his Papers, and in his Rajputr and Muhuzur appeared the name of Beejajee Nayk bin Madajee Nayk; and Nursew Row Kunher produced his Muhuzur, in which was written Beejajee Nayk bin Moodojee Nayk; as no decision could be formed from the Papers of the two parties, therefore you (Moodojee Nayk) were asked what is to be done now, on which you replied since no decision can be given on this Rajputr and Muhuzurs, let the Deshpandeys, Patells, and Koolkurnees of the district be sent for and examined, and whatever decision is made on their evidence that I agree to obey. Nursew Row Kunher, having consulted with the Bye, answered, since Moodojee Nayk says that Madajee Nayk adopted Beejajee at Khuttaw, and that he will prove this by the evidence of the inhabitants of Khuttaw, this evidence I agree to, on which an order was sent from Government with some Messengers to Khuttaw, who brought back some witnesses with them, and some others who happened to be here on their own affairs, were pointed out by you; at length 26 Witnesses were examined, in the presence of both parties, in the temple of Sopandew. These Witnesses deposed, that Suggoona Bye had given a letter to Bhiccajee Mankeshwur, and sent him to them (the Witnesses,) desiring them to make enquiry, and inform her whether Mahadajee had adopted Beejajee Nayk or not, and that Bhiccajee Mankeshwur had told them many matters besides, from which they understood the business. In reply to this they wrote that they would not interfere in the business, that she would be informed of the whole by Bhiccajee Mankeshwur himself; after this they (the deponents) came to Sassoor, when they took an Abhye Putr (writing of security or indemnity) from Rajshree Moodojee Nayk, who engaged, that as they had been brought to the presence to give evidence respecting his Wuttun, should any trouble ever arise to them regarding the matter he should be answerable for it; that the deponents had made out a

 writing

writing amongst themselves (Sunaputr) that whatever Sooltanjee bin Manajee and Sooltanjee bin Byhorjee Phurturey Deshmookhs should say, they would all swear to; to this they all agreed; these papers they brought and produced to the Sircar, upon which they were all closely cross examined by the Sircar in the following manner: "What was the reason that "you wrote these letters to Suggoona Bye, and the Nayk; and made "such an agreement amongst yourselves, what reliance can we now place "on your testimony, without an Oath? You must discard this paper of "yours, and speak the truth." They were then taken to the Mundup of three Sopandew at Sassoor, and interrogated in the following order. Roule Kassee Deshpandy, Kussu Doorga Deshpandy, Jewajee Koombhar, Byherjee Koombhar, Gangajee Koombhar, Soobhanjee Lohar, Shaitu Mahar, Dawya Mahar, Satwa Mahar, Mulga Mahar, Sukhojee Sootar, Sedhojee Sootar, Bhiccajee Gooreew, Tookojee Goonea, Chunda Nawree, Janojee Nauree, Agnajee Chambar, Hirojee Chambar; these above 18 persons gave a writing, that they knew not whether Beejajee Nayk adopted a Son or not. Sooltanjee bin Byherjee Deshmookh, Tookojee Wullud, Ranojee Pureet, Vyenkajee Ginnajee Pulhee, Hussen Shaik Huzrut Kazee, Dongraijee Naikwarry, Tazkhan Naykwarry, Bhik Joshi, in all 8 persons, gave a writing, that their ancestors had told them that Mahadajee Nayk had adopted Beejajee Nayk. They were then asked what reason their ancestors had for telling them? on which the Deshmookhs wrote in answer, that a quarrel about their Wuttun had formerly been referred to Phultun, and that they had gone with their Fathers to Beejajee Nayk, when their Fathers had told them. This evidence they subscribed; they were not influenced by the Sunaputr which they had before signed. That the Son had been adopted was true; upon this Nursew Row Koober named seven Witnesses of Kuttaw, viz Sarwroopjee bin Phukeerjee Bhurturey Deshmookh, Khunda Jewajee Deshpundy, Godpoor Sha Wullud, Maniksha Kazee, Lingojee

Wullud,

Wullud, Rowlojee Naykora, Baboo bin Bhiccajee Pureet, Soolan Wullud, Mallekhan Moolana, Bhoojunga bin Gangajee Sumpee, in all seven. These persons were examined in presence of the parties in the Pagoda of Nanayndew near Poonendhur, in the following manner.

Srowroopjee bin Fukeerjee Bhurturoy Deshmookh deposed, that a paper on this subject from Sagoona Bye had been received in his Village. That he had enquired of the Bullootees, &c. who replied in writing that they knew not whether Madajee Nayk had adopted Beejajee Nayk or not; this very paper the Witness produced. On which the Witnesses were cross examined and again desired to speak the truth. The Witnesses again gave a written declaration, that they knew not, nor had their fathers ever told them, whether a Son had been adopted or not. The substance of this evidence and of the Sunsputr was mentioned to Nursew Row Konher, and it was remarked that 8 persons had given testimony against him, and not one for him; to which he replied, "of the twenty-six persons who "had agreed to swear any thing, 18 have deposed to nothing, and eight "have given evidence for the opposite party; but I will not admit their "testimony unless the Witnesses are brought to Jejoree, and sworn on "the tortoise of the God; if he shall confirm their truth, then will I ad-"mit it, and I shall not desire to call any other Witnesses from Phul-"tun." A Razeenama was required by Government to this effect. To this Konher also agreed, but said he was the elder party, that whatever the Sircar ordered he would readily obey, but that the Bye had not given any Tukrar or Zamin, and therefore he could not now give a Razeenama. The Razeenama was not further insisted on, but as Nursew Row had desired that the Witnesses should be sworn on the Tortoise at Jejooree, and promise to admit their evidence, and had requested the Sircar's consent, accordingly the 25 Witnesses out of the whole 33 who could depose to nothing, were, with the consent of both parties, dismissed. The remaining

remaining 8 were sent by Government, with Moro Hurree, and also the Wuttundars of some other Mahals, and one Mahratta, for each of the parties of Jejuree; on their arrival there, in the presence of Bapojee Mahadew Namzada, and the Kurkoons and Patell and Koolkurnee, and Poojarees, and Langees, &c. of Jejuree; and Magojee Taura on the part of the Bye, and on yeut's Ramsing, on the 15th Kartik, saw the Witnesses bathed and all the marks on their bodies were carefully noted, and the circumstances and marks, the occurrence or appearance of which on their bodies within ten Nights was to prove the falsehood of their oath, according to custom, were also written down; holy water was then placed on their heads, and Sandal-wood on their forehead, and a Necklace of flowers about their necks, and the Witnesses were then separately cross examined on the Tortoise of the God, whether Mahadajee Nayk had adopted Beejajee Nayk or not, and adjured to speak the truth, on which they declared in writing on the Tortoise, that Madajee Nayk had adopted Beejajee Nayk, that this their Forefathers had told them, and this was true. This writing was confirmed by the 8 Witnesses, then laid before the shrine of God, and brought back and given to Moro Hurree. It was then brought down, along with the Witnesses, to the Village in presence of the Mahrattas, and placed in the Kutcheree, and watched day and night for ten days; once a day the Witnesses were brought before the God, and then carried to the Kutcheree, and there in presence of the two Mahrattas examined, whether any of the marks should be found on their bodies on being found pure, a certificate was written every day, and the Witnesses were dismissed to their houses. In this manner the ten days passed. The Witnesses underwent this trial, according to their Oath, and were proved true, and Moro Hurree returned to the presence with the Witnesses, and a certificate to the above effect, from Bapojee Mahadew Namzada, and the Kurkoons and Patell and Koolkurnees of Jejoree Nagojee; the Mahratta on the part of Suggoona Bye had gone

away

away privately, on the seventh night of the trial.

The whole circumstances of the Oath were investigated and duly considered in the Hoozzoor Cutchery in presence of Nursew Row Konher, and it appeared clear that the Witnesses from Khuttaw had proved the truth of their Oath on the Tortoise of the God. The right of Seniority of Mordhojee Nayk to the Deshmookee was clearly proved, and the claims of the Bye, asserted by Nursew Row Konher, were proved to be false; on which this letter has been written to you, that you may obtain possession; you are the Chief Deshmookh of Phultun, the whole of the Wuttun of the Deshmookee, with its rights, benefits, and privileges and Enam lands, and Eesafect, &c. as they belonged to your ancestors, and have descended to you, are hereby confirmed to you and your heirs and descendants for ever; may you enjoy them, and live in peace and comfort. Suggoonabye and your other cousins in the Deshmookhee must remain in subjection to your authority, according to custom; they have no claim to superiority.

For this purpose this letter is written to the Nayk.

In this manner also are written three other letters, containing a brief extract of the above, vizt. one to the Deshadhikaree and Likheck Wurtumam Bhawee, one to the Deshpondy, and one to the Mokuddums of the villages; of these copies only to be left with the above persons, the originals to be delivered to Moodhojee Nayk for his security.

The above four letters to be written dated 24th Julkhad Margsursh Sood Sun 1178, A. D. 1777-8. Poona 10th September, 1819.

True translation, (Signed) J. MACLEOD.

(True Copy)

(Signed) J. MACLEOD.

TRANSLATION

TRANSLATION OF A SAROUNSH.

Jeewajee Bhandaree, versus Tatojee and Salwajee and Appajee Bhundary, in the matter of the right to the Chowgoolkee, and certain lands, of the villages of Wudhoo and Aptee, in the Sircar Joonur. This dispute having been referred to the presence, and the *Tukrar*, *Zamin, and Poorseesh* of both parties, having been taken in writing, and each having produced his papers in support of his case; the following is the Sarounsh Soor Sun 1169, A. D. 1768-9.

Declaration, Security, and Examination.

The substance of the Tukrar, Poorseesh, of Tatojee, &c. Bhundaries.

Our original ancestor was Tanajee, whose son was Tatojee, whose son was Mowjee, whose son was Tookojee, who had seven sons, four of whom left no issue; of the three others, the eldest was Mowjee, the second Suntojee, and the third Mukhajee. The descendants of Mowjee are still in the country, and their history shall be enquired into, and communicated; of the second son Sunlajee, are descended one son, Tatojee, whose son Gomajee had two sons, the elder of whom Bhiccajee had three sons, Tatojee, Sumbajee, and Mahadejee; of these Sumlajee left no issue; the other two are still alive. Gomajee's second son Mukajee had two sons, Phirngojee and Gonjee, who are still alive. Of Mukajee the third son of Tokojee, are descended a son Dussojee, whose son Rukojee had two sons, the elder of whom Mukojee had two sons, Sulwajee and Soobhanjee, who are now alive.

This is our genealogy, we know of no common ancestor of Jewajee's and ours.—Our ancestor is Tanajee, and he had enjoyed from early times the Chowgoolkur of Wurroo. The Mother of Tanajee left her village and went to Nergoorsur; at this time Tanajee and his brother Myajee were children; on their growing up, they began to enquire of their mother where their Wuttun was. She replied our Wutton is the Chowgulkee and

3 Suzgunnees

3 Suzgunnees of land of Wudhoo.—On hearing this information, Tanajee went to Wudhoo; but the villagers would not admit him; and Tanajee began to vent his revenge in acts of injury towards them. At this time, Muskey Patell of Aptee, and Kaley and Sewley Patells, of Wudhoo, joined together, and rescued and brought back from Tanajee a herd of cattle which he was driving away; upon which Tanajee began to commit violence upon the people of Aptee. After this Muskey Patell of Aptee gave Tanajee 6 Suzgunnees of Shull land, and having talked him over made him his brother; and Kalley and Sewley Pattells of Wudhoo gave Tanajee 4 Suzgunnees of their own Thull land, and a House, and talked him over, and restored to him also 3 Suzgumnees of land, which had originally belonged to him. Tanajee and his brother Tatojee enjoyed the whole of these lands, until Tatojee was killed by Bhullajee Gomasta of Muskey Patell of Aptee; upon this Mewjee, the son of Tatojee, fled to the country and died there; leaving a son, Tokajee, who returned to Aptee and obtained his Wuttun, and land and house, from Dhuggeg Patell.—Kanojee Bhundarry then complained that he was the descendant of Tanajee, but the whole village and the Koolmbees of twelve other villages testified that Takojee was the true descendant of Tanajee, and that Kanojee was not. A judgment was given, and a Muhuzar (testimonial of right) of the Chowgoolkee was given to Tookajee, and 1 Suzgunnee of land to Kanojee. From thenceforth, the Chowgoolker of Aptee and 5 Suzgunnees of land and a house have been enjoyed by the family, before Tookojee; the Chowgoolkur of Aptee did not belong to us.

Jewojee Bhundarry is no blood relation of ours. His ancestor, Rahojee, and ours, Mahoojee, had a dispute; since which time Rahoojee has possessed the Chowgoolkey of Wudhoo; whether it belonged to them before Rahoojee, we do not know; nor whether Mahoojee, son of Tookojee, enjoyed the Chowgulkee of Wudhoo; but he certainly possessed and lived in the house, between the houses of two Sewleys in Wudhoo, and had

4 Suzgunnees

4 Suzgunnees of land, but of which his ancestor had before given nine Rookhas to Vetal; there remained 15 Rookhas of land, which Mahojee enjoyed. Rahoojee then began to quarrel with Mahoojee about the land, saying that he was his brother, and ought to have half the land; both of them were much distressed by this quarrel; at length, Herjee Patell, of Wudhoo, reconciled them to each other, and gave 8 Rookhas out of the 15 to Rahoojee, and the remaining 7 Rookhas were enjoyed by Mahoojee. The certificate of this partition was lost, and Rahoojee began to complain again, on which Mahoojee left the village, and is still in the country. One Suzgunnee of land of Aptee had been given to Kanojee, besides which he had enjoyed for many years, for our grandfather, another Suzgunnee of Thull land.

During the reign of the Padshas, the ancestors of Jewjee, his grandfather or great-grand-father, by name Kumlojee, was a man of power, and had cultivated the whole of the lands of Wudhoo and Ooptee; at that time Tushnef had been sent, by the Padsha, to him, for the Chuogoobee; of which half was given to Sewley Chuogobee, and half kept by Kumlojee, for this reason, that the Daughter-in-law of Dhuggey, who had been seized and carried off to the Moghuls' Tanna of Sikrapoor, had been recovered and brought back by Kumlojee, on which account he (Dhuggey) had bestowed his Chowgulker of Aptee, by writing, on Humlojee, who therefore kept half the Tushnef; besides this he had other claim of possession. A quarrel between his family and ours has existed in the Village, but we have enjoyed possession. The Village of Aptee was given by the Sircar to Gopul Row Bunvey; at that time Jewjee and Mukajee cultivated our Lands, and from that time our quarrel has continued.

Being

Being questioned on the Tukrar of Jewjee, Jatojee, &c. reply "that on the quarrel between Jewjee's ancestor, Rahojee and Ma- "hoojee, Rahoojee went through an ordeal, in support of his being the "true heir of Tanajee, and not Mahoojee, the circumstances of "these are as follows."

Rahoojee and Mahoojee, having quarrelled, went to Moherer; when the ordeal was undergone, by Rahoojee's having rubbed over his hand the leaves of a Wannusputtee (Plaul;) on this Mahoojee went to Jeejaw at Sattara, and brought an Order from her to the Village, that the ordeal should be performed again; but Sewley Mohuddum having talked them both over, divided the 15 Rookhas of Land of Wudhoo equally between Rahoojee, and of the 3 Suzgunnees of Land he gave 7½ Rookhas, in all 15 Rookhas, to Mahoojee, and also a House situated between the Sewleys. The Sons of these two lived in amity. Rahoojee was told that the papers respecting the Thull of Maheree, and the other from Sattara, and the papers respecting the 15 Rookhas of Land, had been thrown into the Beema; but whether they had been got from Dadjee, or not, was unknown. We know not of any Mahuzur respecting a dispute between Jewjee Bhundarry and Goonajee Bhundarry; from the time of ordeal the property of Wudhoo only has been enjoyed by Jewjee, but none of Aptee; Jewjee has no claims on Aptee.

The substance of the Tukrar, and Examination of Jewjee Bhundarry.

My ancestors were Soonajee and Kumlajee, who were brothers. Soonajee had two Sons, the elder Chahoojee, and the second Mahoojee. Chahoojee had a Son, Wittojee, whose Son was Kintojee, whose Son

Son was Sewjee, whose Son was Somajee. Somajee had two Sons, Rahoojee and Khewjee, who left no issue; but Rahoojee had five Sons, Jewjee, Gogajee, Kumlojee, Somajee, and Jewajee; the eldest Jewjee had four Sons, the eldest Paddojee, the second Yeemajee, the third Kanojee, the fourth Bhanjee; of them, three had no issue; but Yeemajee had four Sons, the eldest Oodajee, the second Ranojee, the third Jewjee, the fourth Mowjee, who had no issue. Gogajee, second Son of Rahoojee, had four Sons, Hawjee, Sutnajee and Bawajee. Hawjee had two Sons. Tanajee and Yessajee had two Sons, Wallojee and Gonjee, who are both still alive; the third Son Suntajee had also two Sons, Mankajee and Raghojee, who are also living, the fourth Son Bawjee is still living. Kumlojee, third Son of Rahoojee, had four Sons, one of whom died without issue; there remained three, Ramjee, Mahadjee and Sumbhajee. Ramjee had a Son, named Tawjee, now living. Mahadjee had three Sons, one of whom is dead, the remaining two, Janojee and Nowjee, are still living. Sumbhajee had one Son, Khundajee, who is also alive. Somajee, fourth Son of Rahoojee, had four Sons, 1st Sutwajee, 2d Soobhanjee, 3d Kossajee, 4th Tanajee, all of whom are now alive. Jewajee, fifth Son of Rahoojee, had also four Sons, Maljee, Dhaujee, Shetyajee, and Kowjee, who are still living. Mahoojee, second Son of the original Samajee, had a Son named Tatojee, who had a Son named Mahoojee, whose Son was Kanajee, who died without issue.

The original Kumlojee, the second brother, had a Son named Rumjee, who had a Son, Myajee, who had two Sons, Kumlojee and Bawajee, the former of whom died without issue; and Bawajee had two Sons, Ramjee and Mahadjee, who both left the Country. This is my genealogy.

My original Ancestors, Somajee and Kumlojee, had obtained 2¼ Tukkas of Land, altogether 9 Chawur of the Village of Wudhoo. Abbajee

Patell

Patell had given them this Land, and the Chowgoolhee of the Village. Bhullee Patell of Aptee had given Suzgunnees of Land in Wuttun, to them, in which Tanajee obtained the Chowgulkee, allowed his lands to fall waste, and brought from the Kallewarry, Tookojee Bhundarry (a Brother by Sirname) to assist him in the cultivation of the land, and gave him 7 Rookhas of his land of Wudhoo; he also gave 7 Rookhas to Kanojee Bhundarry, and 6 Rookhas to Manajee Bhundarry, and 9 Rookhas to Tanajee Vitab; and 4 Rookhas to Kanajee Khoostie. In this manner, Kumkojee and Jewjee gave their Lands to these 5 persons, and made them their brothers, but they were not relations by blood; after this there remained to themselves 12½ Suzgunnees of Land, of this some more was given to persons of whom no Heirs now remain. My great Grand-father Rahoojee Bhundaras also shared the 6 Suzgunnees of Land of Aptee, for the sake of maintaining its cultivation, in the following manner: To Jewjee, Son of Kanojee, he gave 6 Rookhas; to Mawjee, Son of Tokoojee, 9 Rookhas; to Goondjee Bhundara, his blood relation, 6 Rookhas; after dividing the Lands in this manner, Rahoojee kept the remaining 15 Rookhas for his own use, since the administration of Dhabaree. Tatojee and Shahojee made a complaint, and seized and confined my Grand-father and Uncle, and commanded them to have no intercourse with Mukajee and Bhiccajee; since then the family have enjoyed possession, but the Tushneef has remained with the Patell, which used formerly to be given to us. On a former occasion, when the Padsha's Tushneef was sent to Apta, my ancestor Kumlajee had a dispute with Sewley, saying that the half Chowgoolkee was his, and he would take half the Tushneef, on which the question was taken up by cast at Toolapoor, and the Patell of Aptee brought Sewley and Kumloojee with him, as the Chowgoolies into the Pagoda: on which the Tushneef was equally divided between them. Formerly my ancestors left the country, at which time Hiskumee

mee Bhow (nominal or assumed brother) Kanoojee was at Aptee; and Tookojee coming from Wudhoo, began to quarrel with him, calling himself the true descendant of Tanajee.—This quarrel was settled in an assembly of twelve Villages, which decided that Tookojee was the rightful heir of Tanajee, and not Kanojee, and accordingly a Muhuzur was given to Tookojee, after which, for five or ten years, I know not whether he enjoyed possession or not.—Hearing that the Muhuzur had been granted, my great Grand-father Rahoojee came to the Village, and began to quarrel with Mahoojee, the son of Tookojee; the dispute lasted for five or ten years without any benefit; at length he established his right by performing the Ordeal at Mohoree.—The certificate of the Ordeal and of the whole affair, which were granted on the occasion, were partly spoiled in a box.—Mahojee was expelled from Wudhoo, and received 9 Rookhas of land in Aptee. Since then another dispute has occurred---the Muhuzur of that occasion is in my possession, and from that time, until the time of Khrisnajee Dabarey, he had not possessed the Chowgoolkee of Aptee, but now Dhabarey has unjustly given it to him.

The Sodahputs (document in evidence) of Tatojee Bhundarry.

1st. A Muhuzur (award) dated Shuk 1558, Dhatree Suwat Sune 1st Ashwin Sood, assembled at the Village of Aptee 12 persons, named of the cast; by whom this Muhuzur is written. That Tookojee and Kanajee Bhundarry have a dispute, regarding the Chowgoolkee; both their statements having been heard, the Mokuddum and all the Dyheyum (Wuttimdars of the same cast) and Baboole of Aptee, deposed that Tookojee was the true and lineal descendant of Tanajee. Roopajee Bhundarry deposed that Kanojee was not the true and lineal descendant of Tanajee, and Kanojee himself confessed that he was not the true and lineal descendant of Tanajee Upon this the Chowgoolkee and land of Aptee was given to Tookojee, and to Kanojee 6 Rookhas of the land, and a House.

Both parties are to abide by this decision, which was granted 132 years ago.

2nd.

2nd. A letter dated Shuk 1641, Vicharee Suwatsurer, 17th Kartick Waddyee, from the Mukuddums and others of Aptee to Bhiccajee, and Mukajee Bhundarry. You are our rightful Brother Wuttundar; you have been obliged to leave the Village by the persecutions that have been raised against you. We have now discovered that your persecution has been unjust. If any one shall again trouble you on this subject, we shall have him punished. Pursue the business of your calling in peace. Your welfare or misfortunes shall be held common with our own. Whoever shall prevent or falsify this shall be accounted false to his cast, and an offender against the state. We shall secure you from any harm. Whoever shall act contrary to this, may the curse of God fall upon him.

3rd. Letter from Nagojee Deshmook to Tezojee Patell of Wudhoo Boodroodk. You have written to me about the lands of Mahoojee and Rahoojee; when both these persons were at Jooner, Rahoojee gave a Kutba, according to which I gave a writing to Mahoojee, why is Rowjee disputing now? His complaint must be without cause, let Mahojee sow the land which he has begun to cultivate, and then send them both to Jooner. I will settle their business.

4th. Sumaputr (declaration of the proceedings of an assembly) Shuk 1605 Ruktakshee, Sawatscer 9 Jeist Wuddhyee, at Aptee Sun 1093, in an assemby of eight persons (named) where is a Quarrel about a House and Land between Rahoojee and Jatoojee Bhundarry. Ten persons and others being assembled, declare "our ancestors have never mentioned to us any thing about the family or ancestors of Rahoojee Bhundarry, nor have we ever in our lives known any thing about them. We swear by our Forefather and the God to prevent any injustice in this matter."

Copy of a Petition of Shereckar Gomajee Bhundarry.

There

"There is a quarrel between Jewjee Bhundara and me, respecting our Wuttun of Wudhoo; on which we both went through ordeal at Moheree, but Matooshver Aw Sahib sent for us both, and having annulled the former ordeal, ordered us to perform another before the whole of our Village; when we returned to our Village, the Villagers restored to me my Lands and House. But now he has taken my House and land from me, and has driven me from the Village. I therefore beg that the Villagers would assemble, and *enquire into my case.*"

The Sadukputr of Jewjee Bhundara.

1st. Letter from the Mukuddums and Shaitey Mahajuns of Mohine Village Turuf Goonjum Mawal, to some Patells, Mukuddums and Shaity Mahajuns of the Village of Kesnud in the Poona District. "You have sent to our Village Rowjee Bin Somajee Bhundara, complainant, and Mahoojee Bin Tookojee Bhundara, Defendant, both Wudrook Turuf Pabul, with a letter requesting us to settle the quarrel which these two people have about some land. We have therefore assembled ten persons of the Cast to enquire into the affair, to whom Rowjee has given a Tukrar, saying, that he had brought Mahoojee from Majree, given him 7 Rookhas of Land, and made him his Brother, and that Mahoojee is not the descendant of Tanajee."

"On the other side Mahoojee stated in writing that he was the descendant of Tanajee, being the fourth generation from him."

On hearing these statements all of us endeavoured to persuade them both to submit to the decision of the Cast, to which Rahoojee agreed, but Mahoojee would not consent, but appealed to the ordeal. Mahoojee was then desired to perform the ordeal, that he was the descendant of Tanajee, but he replied, that the complainant Rahojee ought to do it, to which

which Rahojee consented; and on Friday the 28th of the Moon of the month, Jumadool Uwul, his nails were pared close, and his hands fastened up in bags. On Sunday he took out the Ruwa (a small piece of metal at the bottom of a vessel of hot oil) declaring that Mahojee was not the true descendant of Tanajee. On Tuesday the 25th Margsersh Shoodh his hands were examined, and Rahojee proved to be true. The whole of the Wuttun Land and possessions of Tanajee whatever must be given to Rahoojee. Mahoojee has no right to them. Dated 1607.

2nd. Muhuzer Shuk 1607 Kroodhun Suwutsur, assembled at the Village of Wudhoo Boodrook T. Pabul, Sun 1095. Ryots of the Cast (named) the Patell and other Villagers, in all twenty-four persons. These persons being assembled to investigate the case, Gomajee bin Mahoojee Bhundarry brought a paper from the Deshmookh, desiring that the Villagers of the Cast should be assembled and do justice to both the persons concerned, and settle the dispute, and a Purwarree from Ali Shaw Fazil Khan Darogha to the same effect, Jewjee bin Rahoojee Bhundarry brought a Purwarree from Khojah Sunpuck Ferojdar of Thana Kooraijam, directing the Lands to be confirmed according to the ordeal which had been performed at Moheree, and not to permit Tatoojee to interfere, and that the Purwarree which Tatoojee had got before was null. The assembly having examined the above papers, sent Vasajee Dadoo Koolkurnee to Yeswant Row Sawant Sirojdar at Kooraijam, to tell him that the Deshmookh had called an assembly of the Cast to enquire respecting the Wuttun and Lands of the Bhundarrys, but that an order was necessary for them to proceed to a decision, on which he gave orders for the assembly to decide according to justice, and the whole of the Villagers, Mokuddums and Sater Prubhow Thulwyes and 12 Balootes of Aptee, assembled together to investigate the case. Both persons produced their papers as follows.

Gomajee

Gomajee bin Mahoojee produced the Muhuzur which had been given at Aptee. Jewjee bin Rahoojee produced the Muhuzzer of the ordeal, at Mohera, and also the decision of an assembly of three or four Villages at Aptee. Having examined all the papers, and taken security from both parties, viz. for Jewjee Rowjee Chuogoola of Kooriaigaum; and for Gomajee Subajee Sewba Chougoola of Aptee, that each would submit to whatever the assembly directed, both gave in Raza Namas and Tukras in writing.—The witnesses were then examined before the whole of the assembly standing in the Murkkoond, (a circle described on the ground to represent hill) with a Cow's skin on their heads, and gave testimony as follows.

1st. Sewley Mukuddum deposed that the origin of the family is not of this place, but of Aptee—Rahoojee had Miras land in Wudhoo.—That on account of some injuries committed by Tanajee, he had talked them over, and gained his friendship, by giving him his Daughter, and 9 Rookhas of Land, in Miras, out of his own; that besides this he had given him nothing. That he knew not what relation this person was to Tanajee—that he knew of the Muhuzur which had been granted at Aptee, and also of the Ordeal.

2nd. Tej Patell Argury Mukuddum deposed that there was a quarrel amongst the Bhundarrys at Aptee, and that a Muhuzur had been given in his name regarding it; that then Kanojee used to call himself Goomashtee, but this was proved false.—Kanojee took the hand of Tookajee in asseveration of Tookojee's being the decendant of Tanajee; at this time Katroojee's family were dead and gone; afterwards an Ordeal took place, in which Rahoojee was proved true, and Mahoojee false.

3rd. Suntajee Bin Kundoojee Dhuggey of Aptee deposed, that Sew-

ley

ley had brought Tookojee Bhundara from Kallewarey; that in their Village (Aptee) Tanajee had a Son named Kunkojee, who gave Tookojee into his (the deponent's) hand, saying this is my Brother. That Tookojee and Kanojee afterwards quarrelled, and that an assembly of 12 Villages gave a Muhuzur; that all this he knew to be true. That Rahoojee was not there at that time; that the ancestors of Kanojee and Tookojee were not connected, nor settled Mirasdars; that the Dhuggeys were masters of the Miras Land, but that Rahojee enjoyed the benefit since the Ordeal at Mohera.

4th. Appajee Patell Dhuggey of Aptee deposed, that he had committed thefts in Wudhoo, which had been traced to his forefather; that people had been sent to seize the thief, and that he had delivered Tatoojee to them. That a fine was exacted of Tatoojee, which he demanded of his (the deponent's) ancestor, on which he murdered him. That Tatoojee had a grand-son named Tanajeee, whom he had brought to a reconciliation, and given him 6 Suzgunnees Thull Land out of his own, and made him next in rank to Sewley. That afterwards Kanojee Bhundara was going to leave the Village; but that he had given him 6 Rookhas of Thull, and kept him. When the whole of the Land was in Cultivation, he gave Kanojee 6 Suzgunnees of Land—that then Kunkojee, son of Tanajee, came from Wudhoo, and bringing the Patell and Balootees brought Tookojee from Kalbewarry, and gave him into his (the deponent's) ancestors' hands. That Khanojee and Tokoojee began to quarrel about the garden Lands of Kunkoojee, and that time Tookojee was proved to be the true descendant of Tanajee, and Kanojee's pretensions to be false. That the Brother of Rahoojee was one of the assembly who gave this decision—That seven generations have seen no ancestors of Rahoojee. He has only enjoyed possession since the ordeal.

5th. *The Thulwayks and Sathee Pruja of Wudhoo and the Dhuggeys

* The Wuttundars and all the Villages.

geys and Chougoolees of Aptee deposed that they know not who was the descendant of Tanajee. They knew of the Muhuzur which had been given at Aptee by the assembly of the Patells of 12 Villages, on the dispute between Kanojee and Tookojee—At that time Rahojee's ancestor was not in the Village; but on Rahoojee's coming to the Village, he fixed upon Resnund for his Punchayet; and then having taken security they referred the case to Moherer, where Rahoojee performed the Ordeal and was cleared, and Mahoojee proved false; that all this they knew.

Having weighed this evidence, it did not appear to agree in any way with Mahoojee's Sukaar. Rahoojee's ancestor was not in the Village, when the Muhuzur was given at Aptee.—When he came to the Village, and began his dispute, it was settled by Ordeal, on which Rahoojee was proved true, and Mahoojee false.—Of this the evidence is clear. The Muhuzur of the assembly of Moheree, which Gomajee has, is annulled; the Villagers knew that Mahoojee was unjustly accused. Jewjee Bin Rahoojee has enjoyed his Wuttun since the Ordeal, and Mahoojee has no ground of complaint against him. The ancestors of Rahoojee did with their own hands, and out of their own pleasure, give 9 Rookhas of Aptee, and 7 Rookhas of Wudhoo, which they let Mahoojee enjoy in comfort; besides this, he has no claim to the House and Land and Chowgoolkee of the two Villages. Tanajee is the original Wuttundar; an Ordeal has been undergone for the Chowgoolkee and House and Lands of the Villages. The whole Wuttun and Lands and House abovementioned are Rahoojee's, and let Jewjee enjoy them.

3rd, Zaminkutba of Resnund Suntojee Jadow of Kesnund, security for Rahoojee; Newjee Arguwra of Wudhoo Boodrook, security for Mahoojee.

4. *Newarputr Shuk 1623 Ursish Survutsuree 17th October, Wudhya, dated Toolapoor. Assembled 7 persons of the Cast (named) who having

* Award.

having deliberated, have decided, that Babjee Sewla and Mahadjee Sewla Chougoolas of Aptee, and Kumlajee Bhundarry of Aptee, have come to us and preferred for decision a dispute between them, respecting the Chougoolkee of Aptee—and have given a Razee Nama and Kutba, that they agree to the true evidence of the Mukuddums of Aptee, given in the Pagoda. Upon this Khetjee, Patell of Aptee, went in to the holy Pagoda, and took them both by the hand, in asseveration that they were both his Chougoolas by right, and inheritance and descent: any future interference with this decision will be in vain.

Purwana under Seal of Joojarool Moolk Myrool Mabhee, Nawaub Assutkhan, dated 7th of the Moon of the Month Sufer el Moozufer Sun 27, to the Goomastas, and Jageerdars, Deshmooks and Deshpandys, Mukuddums and Moozafers of Pabool, Sircar Joomer. Be it known that Rowjee Wullud Somajee, Bhundarry of Wudhoo in the above mentioned district, has come and complained "that the Office of Chougoola has belonged to my family for many generations, but now Tatajee, the Son of Tookojee, Bhundarry of Aptee, supplanted me by violence and injustice:—therefore it is written, that the said Tatoojee has by deceipt and fraud carried away the Sunnuds, and is not to be trusted, and according to the Hindoo Sunnud under the signature of the Mukuddums and Shuityes and Muhuzurs of Moheree, the right of Chowgoolker of the abovementioned Village has been confirmed to the said Rahoojee; that whatever rights or privileges belong to that situation are to be restored to him—You are therefore desired to restore him to his rights forthwith, and to obey this order without reply or delay.

Having thus weighed and considered the Tukrar, and Poorseesh, and papers of both parties, it appears by the evidence of both, that they are not of the same family, but only brothers of Sirname. The Wuttun Land

Land of Wudhoo has existed for many years. Tanajee obtained the Land of Aptee and half the Chowgoolkee. This point is asserted by Jewjee only—On examining the actual state of possession, it appears by the papers, that both have had possession at times in both Villages, but the possession of Jewjee in the Village of Wudhoo seems to have been more permanent, as it appears that Rowjee's descendants have enjoyed uninterrupted possession of the Wuttun and Lands of Wudhoo since the quarrel between Rahoojee and Mahoojee Bhundarry, and the Ordeal which was undergone. In the Shuk 1607 Gomajee made an attempt to dispute the point, but this being proved false, no dispute has occurred since. The descendants of Rahoojee, down to the present Jewjee, have held undisturbed possession of the Wuttun of Wudhoo, and this Tatoojee does not now dispute, but Jewjee disputes and claims the Chowgoolkee and Land of Aptee, and therefore it is that Tatoojee asserts a right to the Wuttun of Wudhoo. Both Rowjee and Kumlajee formerly enjoyed the Wuttun of Aptee, and the dispute between these two persons has been handed down till now. This dispute happened during the administration of Dhabarrey. Tatoojee produced the papers, but Dhabarrey would not dispense justice, the prayers being only on one side of the question; from that period, Tatoojee's descendants have enjoyed uninterrupted possession. This appears to be the true state of the case, but Jewjee says that Dhabarrey unjustly confused the Lands; it appears however that this enjoyment of Wuttun of Aptee is one confirmation of the rights of Tatoojee; another confirmation is the Muhuzur which was given, 132 years ago, by the assembled Villagers of Aptee and twelve other Villages, in the dispute between Tookojee and Kanojee, deciding that Tookojee was the rightful heir of Tanajee: from this and other papers, it appears that this dispute is of many years standing. The Village assembly decided, that Kanojee was not the descendant of Tanajee; if Tookojee then had been under similar circumstances with

with Kanojee, how could they have decided that he was the rightful heir of Tanajee, but by examining and comparing the Muhuzur of the year (Shuk 1607)? The evidence of the Villagers at that period differ from that given in Shuk 1558. In the Shuk 1607 the Villagers of the two Villages gave their evidence according to the best of their recollection and belief, but the substance of it is contradictory and inconsistent. The Witnesses do not seem to have agreed with each other. In the Muhuzur of Shuk 1558, the particulars of the evidence of each Village are not given, but Kanojee Bhundara himself confessed the very point in dispute, vizt. that Tookojee was the true heir of Tanajee. This being the case, what ground could he have for dispute at all? On minutely examining this Muhuzur, it appears that no cross-questioning or due examination of the Witnesses took place. They all said the same at once, and the Muhuzur was made without further enquiry or investigation. But Jewjee also allows that this Muhuzur was given, but that his ancestor was in another Country at the time. When Kanojee began the dispute, Jewjee and Kumlojee, by the desire of the Villagers, brought Tookojee from Kallwary, and the Villagers, believing from the circumstance that he was their Brother, declared that he was of the family of Tanajee. Looking therefore to the matter of Ordeal, we have the certificate from Moheree, the place where the Ordeal was undergone, by which it appears that the nails of Rahoojee were pared off three days before, and bags put over his hands; that on Sunday he performed the Ordeal, that on Tuesday his hands were examined, and his truth proved: but to this Tatoojee objects that he rubbed his hands with the Juice of a Wunusputtee (plant,) and was thus enabled to undergo the trial. On the other hand many Ordeals have been performed at Moheree, and have been conducted with fairness and justice, how should any trick have been allowed in this instance? Tatoojee's assertion of Rahoojee's having rubbed the juice of the Wunus-

puttee

puttee over his hands, appears false. That the Ordeal was undergone is manifestly established by the papers as well as the admission of both parties. In short the Ordeal was performed, because no just decision had been given upon the evidence of the Villagers; falsehood was proved, and the possessions on both Villages confirmed to Rahoojee. Since then Gomajee, the descendant of Mahoojee, again made a complaint, which was proved false, and a Muhuzur given to this effect. Tanajee himself made the Wuttuns of both Villages, but Takoojee says, that he only reviewed that of Wudhoo, and obtained for the first time that of Aptee. Rahoojee however established by Ordeal, in the quarrel with Tatoojee's ancestor Mahoojee, that he, and not Mahoojee, was the true descendant of Tanajee, and it was decided that Rahoojee should enjoy Tanajee's Wuttun of both Villages. Mahojee is not the descendant of Tanajee, and therefore has no claim to the Wuttun of either Village. This fact has long been decided.

Tatoojee now wishes to have the Village assembly again called, evidence examined, and a fresh decision passed; but as an Ordeal has been undergone, it is not proper that any further investigation should now take place; since the Gods have signified their decision on the result of the Ordeal, what would the words of men avail? We have just seen, that the judgments of the Village assemblies, at two different times, had been contrary to each other, and that an Ordeal was then resorted to; after this, to send for witnesses, and enter into a fresh investigation, would be useless. By the Muhuzur of Shuk 1558, Jewjee's ancestor was not proved false in the dispute, nor were they proved false, at any time, in any subsequent dispute between them and the ancestors of Tatoojee; but the ancestors of Tatoojee were proved false. The Muhuzur which was granted in favor of Kanojee, during the absence of Jewjee's ancestor, was

was an irregular intemperate proceeding however; had no Ordeal taken place, this Muhuzur must have been an authority; but it was at once annulled by the result of the Ordeal. That Tatoojee should have unjustly and by force enjoyed the Wuttun of Aptee, after the Ordeal, is proved by its result to have been improper.

True Translation,

(Signed) J. MACLEOD.

Poona, 18th September.

True Copy,

(Signed) J. MACLEOD.

TRANSLATION OF A SAROUNSH, 1819.

Sukaram Ramchunder Putwurdhum versus Govind Viswunath Putwurdhum, in a dispute respecting property. These two persons having written and given in their Declarations, and Securities, and produced their documents in Evidence, and given in a list of the names of a Punchayet, by which they agree to abide. This Punchayet having investigated the affair, has drawn up the following Abstract.

Sukaram Ramchunder complains: "Shreemunt Rajshree Babasaheb" (The Paishwa) "gave me, on the occasion of a Shraddh, a Dukhshana "of 2,200 Rupees, and desired me to go and build a house at Phool-"gaum. This money my Uncle Govind Putwurdhan lodged for me, "in the hands of Junoba Ranarey, at 10 annas interest. Of this I have received

"received Rupees 427 3, and a balance of 1772 13 is due, as follows; "viz. by Junoba Ranarey Rupees 1192 14½, and Govind Punt Put-"wurdhum 579 14½. This balance is due by them both; and I now "desire an order, that the part of it which has been received by Go-"vind Punt may be enquired into, and settled. Dated Phalgon Wud-"hye 10 Shuk 1740.

The Respondent Govind Visvanath Putwurdhun answers: "My "Nephew Sukaram Ramchunder received this Money from the "Sircar, to build a house at Phoolgaum Aptee, and it was lodged in "the Shop of Janardhun Ranarey. In the Month Margseersh, Raj-"shree Huree Bhow Bhut took me with him to the house of Ballajee "Punt Kalley; a Punchayet was there held, and receipt for the mo-"ney was taken in name of Sukaram Ramchunder; the receipt, which "was in my name, was given back to the person (Junardhan Rana-"rey;) out of this money I had spent some; on account of which I "gave back the receipt which I had received from Ramchunder Vis-"wunath, deceased, (father of the Complainant) for one half of my "dwelling house in Poona, valued at 700 Rupees, which he had pur-"chased. The Punchayet further decided that Sukaram Ramchunder "should pay me 167 8 which I had advanced to him at Oorawree "Ambegaum, and that I should pay 197 8. This was the decision "of the Punchayet, and the papers to this effect are with Sukaram "Ramchunder. I had given up half the house, which he still possess-"es." Dated Phalgoon Wudhye 10th Shuk 1740.

The Punchayet deliberated on the declarations of the parties as follows. Under the former Government Ballajee Punt Kalley Nisbut Gokley having named and assembled a Punchayet, it had decided that Govind

vind Punt should repay whatever money he had taken out of the sum belonging to Sukaram Ramchunder, which he had lodged in the hands of Junardhun Ranarey; and further had, in presence of both parties, decided, that Govind Punt should pay Rupees 946 1½; of which sum he paid to Ramchunder Rupees 698 7; the Balance 247 10½ remains to be paid to Sukaram Punt by Govind Punt.—A Certificate of this settlement was made out, to which Govind Punt subscribed, and this ought to be complied with; but Govind Punt refuses, and says that he has a written claim of Rupees 167 8 against Sukaram Punt, from the year (Shuk) 1734; on enquiring into the truth of which, it appears that Sukaram Punt had owed to Govind Punt Rupees 250, and that an obligation to that effect had been given by Sukaram Punt, dated 10th Shuk Margseersh Shuk 1737; but that the debt had been settled by Sukaram Punt, and his note received back. The above claim of Govind Punt is antecedent to this settlement, and yet no mention of it appears, and the writing itself is incorrect, nor was there any mention of it in the obligation to Sukaram Punt. Four of the Punchayet accordingly recommended that Ballajee Punt Kalley should be asked about the business; and, according to his answer, both parties should abide. Upon this, Ballajee Punt Kalley was sent for to the Adawlut, where, in presence of the parties and Punchayets, Ballajee Punt Kalley and Bajeebhut Khelkur declared, in the Hoozoor Kutchery, that a Punchayet had been assembled by them, and that it had rejected the claim of Rupees 167 8. This claim then is false. This being the case, Govind Punt must therefore pay to Sukaram Punt Rupees 247 8, besides interest. The members of the both parties in the Punchayet subscribed to the above decision, viz.

Wamun Shastree Sattey, Bapoo Chimnagee Thuttey, Balkrishn Gungadhur Joshi, Denkur Annundrow Joshi, in the manner the members of

s both

both parties decided, that Govind Punt should pay the above balance to Sukaram Punt. Dated 5th of May, 1819.

Confirmed, (Signed) W. J. LUMSDEN.

True Translation,

(Signed) J. McLEOD.

Poona, 19th September, 1819.

True Copy,

(Signed) J. McLEOD.

FINIS.

